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An OPEC obituary

ARLON R. TUSSING

At the end of 1981, oil prices were suffering their greatest decline in half a century, but many industry executives and forecasters cautioned that the attendant "glut" was a temporary phenomenon. Despite many signals to the contrary, that opinion persisted well into 1982, with Occidental's Chairman Armand Hammer and others predicting $100-per-barrel oil in ten years. The "scarcity" mentality that fed the price leaps of 1974 and 1979, plus a belief that unpredictable Middle Easterners control the world oil market through OPEC, gave such assumptions nearly axiomatic status during the past decade. But the exporting nations' boast that "oil in the ground is a better investment than money in the bank" is turning out to be so much wishful thinking.

The truth is that neither an end to the recession, nor OPEC attempts at production quotas, nor continued wars in the Middle East, will long be able to shore up a sagging crude-oil market. It is, indeed, because oil prices climbed so rapidly and so high in the 1970s that they are now almost certain to fall and keep falling—perhaps as steeply and as far as they rose. Today's prices are still higher than markets can tolerate, and the forces that led to the enormous price hikes of the past decade work just as effectively in reverse.

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While real (constant-dollar) crude-oil prices are unlikely to rise to their 1980-81 levels again in this century, forecasting prices for any specific future year is a nearly hopeless task. The fall in crude-oil prices that began last year will eventually give way to another price rise, another decline, and so on. For crude-oil markets are inherently *cyclical* and, except during a unique period of almost four decades when the state of Texas dominated both U.S. and world crude-oil markets, oil-price fluctuations have been large and frequent. History shows us no long-term oil-price trends, but only a series of cycles of uneven duration and amplitude. The era of OPEC's opportunistic price-gouging is over, and no other entity is in sight with the power to move oil prices in any consistent direction or to stabilize them at any given level.

The power of the Texas Railroad Commission

To understand OPEC's helplessness in today's crude oil-market, it is useful to review how the market operated before OPEC came to power, and how the Texas Railroad Commission (TRC) managed to exercise control for nearly forty years.

The TRC's rule emerged in the mid-1930s from circumstances quite different from those that nurtured OPEC in the 1960s and 1970s. Between 1859 (the year Colonel Drake first discovered oil in Pennsylvania) and the Great Depression, crude-oil markets everywhere were dominated by events in the United States, where one black-gold rush after another unleashed an oversupply and sent prices plummeting. Growing oil demand rapidly restored prices after most of these crises, as petroleum captured markets that were previously held by whale oil, gas, or coal, and as the number of automobiles swelled.

The Yates field in Texas, for example, was first tapped in 1926. It was the biggest field yet found, and over its first year of production average crude-oil prices in the United States fell 24 percent. Prices recovered quickly, but in 1930, the beginning of the depression coincided with discovery of the even larger East Texas field. Oil literally ran in the creeks, and prices fell locally to 10 cents per barrel.

Much of this market chaos resulted from the common-law "rule of capture." The principle that nobody owned oil until it was brought to the surface generated frenzied competition among drillers to lift as much oil as they could from each newly-discovered pool before their neighbors got it. The East Texas drilling rush ended

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in 1931 only when the governor sent the National Guard into the field to shut down production. The next year, a bitterly divided Texas legislature granted the TRC authority to limit output from individual wells in the interest of conservation and market order. Under "market-demand prorationing," refiners told the TRC how much oil they wanted to buy each month, and the Commission parceled out the "allowable" share of this demand to each well. This system assured every Texas producer a buyer for at least some of his oil, no matter how much excess production capacity other producers held. The TRC's ability to stabilize the market was bolstered by market-demand prorationing in several other states, including Louisiana, the number-two U.S. producer. Under state regulation, physical shortages and surpluses both became a thing of the past, "conservation" replaced physical waste, and the violent short-term fluctuations of crude-oil prices ended.

Even more important was a series of federal actions supporting TRC authority. In the 1935 Connally "hot-oil" law, Congress made it a federal crime to ship oil produced in violation of state conservation orders. After World War II, the executive branch acted to prevent uncontrolled imports of low-cost foreign crude oil from undermining the states' control of U.S. oil supplies. For a while, the handful of largely U.S.-based oil companies that controlled the oil reserves of the Middle East and the Caribbean had cooperated successfully in limiting their foreign petroleum production to just about the amount demanded by their own foreign refineries.

Nevertheless, by 1948 the huge, low cost oil reserves overseas so threatened Texas regulation that the Truman administration started assigning "voluntary" import quotas to the companies. In 1958, after independents such as Hunt and Occidental developed enormous new reserves in Libya, President Eisenhower established a mandatory oil-import program (MOIP). The MOIP gave each U.S. refiner the right to import some lower-priced foreign oil, but it enabled the TRC and other state conservation authorities to continue setting the total volume of crude oil supplied to the domestic market.

Critics of market-demand prorationing and import quotas, including the 1970 Cabinet Task Force On Oil Import Control headed by George Shultz, saw the combination mainly as an arrangement that kept U.S. prices artificially high and perpetuated wasteful excess capacity. This arrangement indeed did shut in much of the nation's lowest-cost oil at the same time that it created an incen-

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tive to develop domestic fields that would not have been viable in a free market. But precisely because it sheltered surplus producing capacity for four decades, Texas prorating functioned as the balance wheel of the world oil market. Texas was the "price-maker": The TRC determined the price that all domestic producers received for their oil, and at the same time was the most powerful single force in the world crude-oil market. Other producers were relegated to the passive role of "price-takers" who could always sell as much or as little oil as they wished, once they accepted the price structure established by Texas.

The TRC could play the price-maker's role because it had control over sufficient spare production capacity to supply refiners with all the Texas oil they wanted at the established price, offsetting any rise in demand prompted by short-term economic booms or long-term growth, or any drop in output by other producers at home or abroad. The Commission also had the power to enforce production cuts, if necessary, to prevent a surplus from appearing when oil demand waned or production outside Texas increased.

The Texas system lasted for nearly 40 years, through World War II, the U.S. recessions of the 1950s, and several supply disruptions caused by Middle Eastern political upheavals in the 1950s and 1960s. Oil supplies were seriously curtailed in 1952-54, for example, following Mossadeq's nationalization of the Iranian oil concessions, during the Suez crisis of 1956, and again during the 1967 Arab-Israeli War. U.S. and world crude-oil prices remained relatively stable, however, as the majors produced more oil in the unaffected Persian Gulf countries, while the TRC and other state commissions increased production at home. From 1935 to 1972, roughly the period of the TRC's domination of the world market, the average annual change in real crude-oil prices in the United States was only 4 percent, a stark contrast to the average annual change of 21 percent between 1871 and 1935.

One reason for the TRC's success was that it did not exploit its market power opportunistically. The Middle Eastern conflicts in 1952, 1956, and 1967 offered Texas producers, the state of Texas (a major royalty owner), and the big international oil companies a chance for huge short-run profits. But each time, the TRC and the majors opted for long-term stability, forestalling the kind of consumer panic that generated the price run-ups of 1974 and 1979.

Once domestic production reached full capacity in 1972, the U.S. government had no choice (politically, at least) other than to do away with import controls, leaving consumers exposed to whatever

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upheavals might occur in the oil-exporting countries. Meanwhile, nationalization of the major oil companies' overseas concessions, plus the growing influence of independents (including national oil companies such as those of France, Italy, and Brazil), had stripped the majors of their ability to balance supply and demand outside of North America. A supply curtailment by the Arab oil producers, which hardly would have caused a ripple in oil prices ten years or even two years earlier, transformed world energy markets and, for a few years at least, handed control of those markets to OPEC.

A decade of panic pricing

OPEC's spectacular successes in the 1970s were due more to market psychology than to anyone's direct manipulation of crude-oil supplies. OPEC *per se* did not engineer either of the decade's great price leaps; instead, these came out of consumer panics that spread through the spot market after the 1973-74 Arab embargo and the 1978 Iranian revolution. In both cases, OPEC merely voted, after the panic had run its course, to establish the prevailing spot prices as the base prices for all crude-oil sales.

Crisis psychology was thus the key to the short-term oil market behavior that ratcheted prices upwards. The physical shortfall that provoked the panic of 1973-1974 was proportionally no greater than the shortfalls (or excess supplies) that the industry faced periodically because of unusual weather or the business cycle, and there was no reduction in output immediately before the 1979 price spiral. In neither case was the actual shortage greater than the sum of: (1) the oil then being consumed by electrical-generating and manufacturing plants that had the capacity to use other fuels; (2) the standby or underutilized oil-producing capacity of U.S. and uninvolved foreign producers; and (3) the inventory cushions that industry ordinarily would have drawn down in order to prevent market turmoil.

Rather, the price run-ups both began with a handful of large buyers who believed that the "shortage" was real, and who were thus willing to pay almost anything. This crisis mentality had a powerfully perverse effect on the market. Instead of restraining demand, soaring spot prices gave the shortage credibility and helped propagate the panic to every class of consumer, so that demand actually *increased*. Much of the apparent supply deficiency was caused by hoarding, the most memorable example of which was the practice of "topping-off" gasoline tanks daily.

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However socially irrational hoarding may have been, it seemed quite reasonable at the time from the standpoint of an individual company or consumer. In 1973-74, both the Arab producers and the Western media were insisting that the embargo and production cutbacks were in fact harming the consuming countries. Congress had passed an Emergency Petroleum Allocation Act; President Nixon had declared an "energy emergency" and had begun allocating crude-oil and petroleum products.

No one knew how long the apparent shortage would last or how high prices might go before it was over; hence it made sense for anyone with an advantageous position in the allocation scheme to take every drop of price-controlled gasoline or fuel oil allowed under the rules, regardless of current need, and for every other consumer to buy as much at the prevailing price as he could store. Motorists, households, and businesses all sought to build up and maintain high inventories in case things "really got bad" later, while producers, refiners, and others expected to profit from holding products for resale at higher prices in the future. All of these anticipations were of course self-validating: Supplies did get tighter and prices continued to rise.

The OPEC mystique

Oil producers and refiners usually try to plan their physical operations and to budget their purchase outlays and revenues well in advance. For this reason, the great bulk of the world's crude oil moves in "captive" channels from producing companies to their own refinery affiliates, or on relatively long-term contracts between producers and refiners. "Spot" transactions—sales of a single tankerload or less—usually account for only a small percentage of world supply, but they are an indispensable part of the total market because they allow any company or government to dispose of a temporary oversupply or to fill a temporary shortfall. A general surplus or shortage equal to only, say, 3 percent of total world demand may thus show up as a surplus or shortage amounting to 50 or 100 percent of normal spot-market demand. As a result, spot prices tend to fluctuate daily and seasonally, and to range widely above and below "posted" or contract price levels, which typically change slowly and infrequently.

Changes in crude-oil spot prices occasionally herald fundamental market changes, but more often they are only exaggerated reflections of unexpected weather or business conditions, the buildup or

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drawdown of inventories, or political events. After some such contingency has caused spot prices to diverge sharply from contract prices, the spot market normally returns to a relatively narrow range of prices around previous contract-price levels. What was extraordinary about the OPEC-dominated markets of the 1970s is that they twice failed to respond in this normal way. After the panics of 1973-74 and 1979, spot prices did *not* fall back to pre-crisis levels; instead, contract prices rose (by OPEC decree) to the peak values to which the panic had carried spot prices. This feat was OPEC's great triumph—a triumph which, ironically, is now begetting its downfall.

The TRC had determined prices by actively manipulating the aggregate supply of crude oil; as a state agency, it had the power to enforce its orders on the many thousands of Texas producers regardless of their conflicting individual interests and viewpoints. OPEC, on the other hand, has never had any authority over the diverse and sometimes warring sovereignties that make up its membership.

Nevertheless, once the surplus capacity of Texas and Louisiana had disappeared in the early 1970s, Saudi Arabia by itself conceivably could have taken over the TRC's role as balance-wheel. Its potential authority came from a combination of the world's largest reserves of conventional crude oil and a population of approximately five million. The Saudis thus have the same mix of assets, at least theoretically, that earlier gave the TRC its power—the ability to increase or decrease output over a wide range.

Proved and indicated reserves in Saudi Arabia number in the hundreds of billions of barrels—how many hundreds, no one knows or much cares, because it has never been worthwhile to carry out the intensive exploration and development work needed to get an accurate estimate. The known reserves are, in any event, so large and so easy to develop that it would take Saudi Arabia only a few months to double its exports from the current level of less than 6 million barrels per day. (After all, production was almost 11 million barrels per day in mid-1981.) With two or three years for drilling of development wells and construction of gathering lines and terminals, exports probably could rise to something like 18 million barrels per day. Indeed, before the 1973 embargo, the big oil companies (the Aramco shareholders) that controlled the Saudi concession were planning for production on the order of 20 million barrels per day by 1976.

Saudi market power rests on the ability to curtail as well as to

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increase production. The country's small population has permitted Saudi Arabia to reduce its output by almost half over the last year, from 10.6 million barrels per day in August 1981 to about 5.5 million in May 1982, without suffering a fiscal or foreign-exchange crisis. Throughout the 1970s, therefore, Saudi Arabia, with or without the cooperation of other OPEC nations, had much of the power to stabilize the market in much the same way as the Texas Railroad Commission once did.

So it was a worldwide obsession with scarcity, rather than deliberate management of total world supplies, that underpinned the OPEC mystique and locked in the high prices OPEC decreed in 1974 and 1979. In the 1970s the doctrine of "imminent resource exhaustion" came to be embraced by a large number of parties, and for quite different reasons. Environmentalists hoped to slow the wasteful plundering of the earth's riches; oil companies were seeking to ward off price controls and attacks on their tax preferences; alternative-energy entrepreneurs sought business; politicians found in the energy crisis a moral equivalent of war; civil servants made it the rationale for massive expansion of their agencies and intervention into almost everything; and an army of academics, consultants, and journalists became rich and famous by studying, interpreting, or advocating national energy policies. Each group wanted to believe, or at least to persuade others, that "the wolf is really here."

In this intellectual climate, each price increase, regardless of its proximate cause, helped convince the oil-exporting nations that "oil in the ground is a better investment than money in the bank." This doctrine could remain valid for just as long as most producers believed in it, because it encouraged them to hold oil off the market in the hope that its value would be much higher in the future. It was therefore the most effective and durable weapon in OPEC's ideological arsenal. Although the organization had no enforcement machinery, and did not even attempt a prorationing scheme until 1982, its members did reduce production when preservation of the price gains of 1974 and 1979 required it.

When the OPEC nations cut back their total exports in 1974 and again in 1979, it is important to note that they made the required cuts individually. They did so without coordination or urging by OPEC, because they had more money than they needed at the moment, and because they believed that their oil would be worth more later. Even the 1973-74 price rise had been so immense that most OPEC countries had substantial financial surpluses; only Al-

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geria, Ecuador and Indonesia were in deficit. In 1975 OPEC as a whole had a $59 billion (or 14 percent) surplus of export revenues over import expenditures. Several countries understandably concluded that their economies could not absorb further increases in oil income without generating intolerable inflation and social unrest.

It also seemed obvious to the producers that oil prices would continue to advance at a higher rate than their surplus cash would yield in risk-free financial instruments. Thus, Kuwait, Libya, and Venezuela together reduced their exports by 4 million barrels per day after the 1974 price rises. Saudi Arabia abandoned Aramco's 20 million barrel-per-day target in 1974, and cut production sharply in January 1979 and then again in April—ostensibly to offset an imminent oil glut, which was in fact an aftermath of the price panic that followed the overthrow of the Shah. In neither price rise did OPEC as such have any role in initiating or orchestrating the curtailments.

Thus, a short-lived belief in acute scarcity twice created a real scarcity that caused spot prices to soar. A belief that chronic energy shortages would engender a permanent seller's market then led producers and consumers alike to interpret an unusual and otherwise transitory market phenomenon as a fulfillment of prophecy. The belief that oil in the ground was the world's best investment not only encouraged OPEC officially to adopt spot market prices generated by consumer panic; it also enabled those prices to stick. In 1973-74, the world price of crude oil (measured at the Persian Gulf) increased five-fold in real terms, and then in 1979-80 it again tripled.

The end of the OPEC era?

OPEC's hold over world energy markets in the 1970s, though mainly psychological, was no less real. However, the cartel's hold is far more fragile than the earlier market power of Texas, which stemmed from the TRC's direct control over production volumes. Today, few of the material requisites for further OPEC success remain. Its share of the world oil market has fallen from 55 percent in 1974 to 31 percent in August 1982; and Saudi Arabia's share is already less than the share Texas held as late as the mid-1960s.

Some recognition of these shifting realities began to strike the Saudi leadership only after two deliberate production cuts in 1979 had locked in a series of huge price increases voted by OPEC.

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Saudi Arabia's actions have now become more-or-less consistent with the pronouncements of the kingdom's oil minister, Sheikh Yamani, who had long given lip-service to the cause of moderation and market order. Explicitly invoking the memory of the TRC, Yamani claims to have engineered the 1980-81 "oil glut"—increasing production from less than 8 million barrels per day to almost 11 million, specifically in order to bring prices down to $34 per barrel and to persuade his OPEC partners to join a prorationing scheme under Saudi leadership. In 1982, after succeeding too well, perhaps, the Saudis have reversed course, now *cutting* their exports by more than half in an attempt to support the $34 price.

But Saudi Arabia appears to have been too late in discovering the market power it alone possessed. While the TRC held crude-oil prices in the United States above short-term free-market levels, it still kept them low enough to encourage ever-increasing oil consumption and stave off the development of alternative energy sources. The Saudis, however, wittingly or unwittingly had a key role in both OPEC price hikes of the 1970s, unleashing inexorable and profound reactions from both producers and consumers, which today threaten to make OPEC oil a dispensable commodity.

Contrary to a near-perfect consensus of industry, government, and the academic-consulting community during the 1970s, crude-oil demand does respond—slowly but massively—to price changes. In the long run, higher prices have a profound effect on oil supply, too; non-OPEC output has grown rapidly and will continue to grow. Production from the North Sea, Alaska, and Mexico, for example, increased by 4 million barrels per day between 1977 and early 1982, and Mexico's exports—driven now by economic necessity—could increase another 3, 5, or more millions of barrels per day before 1990. Most clearly and most importantly, however, high oil prices are shrinking oil demand, both by reducing total energy consumption and by making coal, natural gas, nuclear power, and other energy sources more attractive.

After a modest dip in 1974, total world oil consumption resumed its growth, and finally turned down only in 1979. This experience reinforced the impression that oil demand was insensitive to price changes, misleading economists as well as industry executives and government officials in both oil-producing and oil-consuming countries. An absolute decline in U.S. oil consumption was first visible in 1979; the rest of the industrialized world followed a year later. In retrospect, it is remarkable how many were unable to see what was happening.

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In 1977, Exxon forecast the U.S. consumption of petroleum liquids would be 20.3 million barrels per day in 1980. In 1979, Shell predicted 18.6 million barrels per day consumption in 1980, and both the *Oil and Gas Journal* and the Independent Petroleum Association of America forecast 18.4 million. As late as mid-1980, Shell had only revised its published estimate downwards to 17.2 million barrels per day, while the Independent Petroleum Association of America had come down to 17.4. At year-end in 1980, however, average consumption for the year stood at only 16.3 million barrels per day.

The drop in total oil use over the last three years, and the experts' tardiness in recognizing it, stem from profound changes in the structure of world energy demand, changes which have actually been under way since 1974. From 1960 to 1973, oil prices were low and declining in real terms. As a result, absolute oil consumption in the industrialized countries grew at an annual rate of 7.6 percent. Japan led this growth with an 18 percent average over the thirteen-year period. After 1974, however, the quadrupled crude-oil price led to a gradual leveling off of demand for oil everywhere. Total oil consumption in the industrialized countries dropped slightly in 1974-75; growth resumed between 1975 and 1979 at an annual rate of about 1 percent, but this partial recovery only concealed the fundamental shift that had taken place in the world energy-use patterns.

More telling than gross consumption figures is the change in oil use per unit of economic activity, or "gross domestic product"—the oil/GDP ratio. After rising at an annual rate of 1.3 percent from 1960 to 1973, the oil/GDP ratio for the major industrialized countries showed a 1.5-percent annual decline between 1973 and 1979. The 1979 upheaval initiated an even more decisive and long-lasting shift away from oil, reflecting both an immediate reaction to the second OPEC price surge and the delayed but accumulating response to the price increases of the early 1970s. During the years 1979 to 1981, oil consumption in the industrialized countries fell 7 percent per year, and the oil/GDP ratio fell at an annual rate of 8 percent.

Since the latter measure represents the amount of oil used per unit of economic activity, rather than an absolute figure, its fall implies that an end to the present recession will not be the panacea for the oil market that much of the energy industry and many analysts still seem to anticipate. The die has been cast. It is unlikely that individual homeowners will tear the insulation out of

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their houses if the price of home heating oil drops, or scrap their new fuel-efficient automobiles in response to lower real prices for gasoline. Nor will the construction and automobile industries abandon their new energy-efficient designs. Those who attribute the oil glut and the current "softness" of oil markets primarily to the world recession forget that economic recovery will mean a more rapid replacement of existing vehicles, industrial machinery, and buildings, with models designed since 1974 in response to high energy prices.

Except in a couple of OPEC countries, no new base-load electrical generating plants fired by oil, or large-scale oil-fired boilers of any sort, have been built since the mid-1970s; over the past decade, industry has been relentlessly converting existing oil-burning equipment to coal, natural gas, and other energy sources. Because changes in the world's fuel-use patterns are generally embodied in long-lived capital-intensive instruments such as buildings, transportation equipment, and industrial machinery, the extended period it has taken for the 1974 price rises to produce an absolute decline in oil consumption only reflects the time required to replace these assets. This long lag in adjusting the world's capital stock to changed energy-supply conditions also suggests that the all-time high oil prices of 1974-1982 will influence consumption patterns for many more years, *even if world oil prices now fall as rapidly and as far as they rose in the 1970s.*

The truism that the world's petroleum resource is finite thus does not mean that oil prices will continue to rise. The world has no demand for crude oil as such, but only for the heat, motive power, chemical building blocks, and other vital commodities that it provides. Thus, oil is in demand only so long as it is the cheapest source of these goods. No matter how scarce natural petroleum liquids become, their prices cannot rise and remain above the cost at which each of these wants can be dispensed with or served in some other way.

It should be fairly obvious now that predictions of $100 per barrel oil are ludicrous. At $15 per barrel, oil was already more expensive than coal in most of the world, and had consequently priced itself out of electrical-generation and other large-scale stationary-heat and boiler-fuel markets. At well under $50 per barrel, given a few years for market and infrastructure development, liquid petroleum products would have become marginal even as a source of transportation fuel, which increasingly would be replaced by some combination of compressed and liquefied hydrocarbon gases and

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alcohols. A world that is already fleeing from oil at $32 per barrel would have little use for it at two or three times that price.

A buyer's market

This situation does not bode well for OPEC, or for the ability of Saudi Arabia or anyone else to manipulate or stabilize the market. When demand falls, the power of a price-maker is tested. Can the OPEC nations, many of whom are deeply in debt, now afford to cut back production, as they must?

On this point too, the OPEC of 1982 is as different from its predecessor, the Texas Railroad Commission, as it is from the OPEC of the mid-1970s. In comparing OPEC with the TRC, it is essential to remember that the Commission's power developed during the Depression, and that its institutions were designed expressly to manage a chronic excess of production capacity. Once that excess was gone, the TRC became impotent and economically irrelevant. OPEC, in contrast, showed its muscle under totally opposite conditions. It twice seized upon a brief moment of consumer panic, convinced itself and consumers alike that a permanent world oil scarcity existed, and for a while reaped the benefits of a seller's market even after the foundations of that market had vanished.

There is little prospect that OPEC can function effectively in a chronic buyer's market, especially in the face of the organization's current internal dissensions and the precarious financial situation of its members. At its March 1982 meeting the group made its first serious attempts at TRC-style prorationing. The experiment was an instant failure, with at least three members brazenly exceeding their quotas from the beginning. By July 1982, Iran was selling 1.0 million barrels per day above its quota, Nigeria .3 million, and Libya .25 million. Venezuela, the sole advocate of OPEC prorationing before 1980, had threatened to start selling more than its assigned 1.5 million barrels per day if the other countries did not get in line, and in August the Saudis, who had already reduced their output by 45 percent in the hope of supporting the $34 marker price, were also hinting that they would increase their exports if the cheating did not stop.

The greatest source of downward pressure on prices is the shaky financial condition of the exporting countries, a drastic turnaround from the situation of 1975. Since 1973, the OPEC nations' spending for imports has risen at an average annual rate of 30 percent because of ambitious industrialization plans in every one of them,

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and extravagant purchases of military hardware in many. Already, the combination of declining oil demand and rapidly rising expenditures has resulted in trade deficits for all but three OPEC members. Unless oil production or prices increase sharply, every member, including Saudi Arabia, will soon slip into deficit.

These deficits, exacerbated by the continuing Iran-Iraqi war, are already beginning to take their toll as the most hard-pressed countries, in search of revenues to pay for today's imports, produce as much oil as they can sell. Moreover, with declining or even stable prices, and real interest rates at their highest level in history, the slogan, "oil in the ground is a better investment than money in the bank," is obsolete even for countries that do not have an immediate cash-flow or foreign-exchange deficit. In the 1980s it is hard for even a cash-surplus oil-exporter to avoid recognizing that oil in the ground is a non-earning asset, one that ought to be cashed out so the proceeds can be invested in high-yielding financial instruments. This doctrine is just as true (and may be just as self-fulfilling) today as was the opposite notion in 1975 or 1979.

To put OPEC's weakness into perspective, consider that:

—In August 1982, world crude-oil production was about 54 million barrels per day. Out of this total, the Saudi share was about 5.5 million, or 10 percent; all of OPEC was producing about 17 million barrels per day, or 31 percent of world supply. If new production in non-OPEC countries plus further declines in consumption were to equal only 10 percent of present world demand, OPEC's members would have to reduce their own production by 32 percent in order to maintain any chosen price level.

Saudi Arabia, which has already reduced its exports by 45 percent over the last year, cannot and will not accommodate much of this burden, as a 10 percent shift in world supply or demand would be just about equal to the country's current export volume. Further growth in non-OPEC production and a further fall in world consumption are not only plausible but nearly inevitable. Thus Saudi Arabia's reign as world price-maker is ending, virtually as soon as it began.

—Conservation, fuel-switching and recession caused the non-communist world's oil consumption to fall by 7.5 million barrels per day between 1979 and mid-1982. If consumption declined by only half as much over the next two years, OPEC's output would have to fall by an amount equal to the combined production of Kuwait, Libya, Algeria, and Indonesia in August 1982, or by 68 percent of current Saudi output.

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—Crude oil production from Alaska, Mexico and the North Sea increased by more than 4 million barrels per day between 1977 and 1981. If all non-OPEC producers were to increase their output by another 4 million, OPEC could maintain control of prices only if its members could cut production by at least the equivalent of 73 percent of August 1982 Saudi Arabian production.

—Production from Iran, the world's former number-two oil exporter, has fallen 4 million barrels per day from its 1974 peak. The former number three exporter, Iraq, is producing 2.6 million barrels per day less than the peak it reached in 1978. If the war between these countries should end and they returned to the market with their 1978 sales volumes, other OPEC countries would have to curtail production by an amount equal to 90 percent of August 1982 Saudi output.

—Finally, if the last three hypothetical situations *all* took place, and if OPEC hoped to sustain world prices at current levels, it would have to find places to cut production by at least 12.7 million barrels per day—75 percent of the organization's current output, or 231 percent of August 1982 Saudi production.

The range of conditions within which OPEC, Saudi Arabia, or anyone can continue to dictate or even defend the level of world oil prices is thus extremely narrow. The reckless opportunism of the 1970s is now taking its toll. Long-term changes in supply and demand adverse to OPEC's interests have been under way ever since the cartel's first big coup in 1974. As these changes become visible to everybody, the mystique that has been OPEC's chief source of power will vanish along with forecasts of hundred-dollar oil. The world market will soon be, if it is not already, out of anyone's control.

Eleven lessons for the future

A new, large disturbance in world oil markets could push prices either up or down. It is still conceivable, if only barely, that a sharp economic upturn and an exceptionally cold winter could combine with the right kind of Middle Eastern political crisis, and send prices soaring for a third time to levels significantly above those reached in 1980-81.

The probabilities, however, weigh heavily on the other side. There is a huge overhang of excess production capacity in the oil-exporting countries. Several of them are in extreme fiscal distress; Mexico in particular has both the ability and a desperate need to

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increase oil exports. Meanwhile, the price-induced flight from oil is still gathering momentum that will not be spent for years, no matter what happens to oil prices today.

All of these forces together, not to mention a worldwide economic slump that is far from over, add up to significant downward pressure on oil prices. Prices must eventually go down, and they must go down substantially. The serious questions are whether they will descend smoothly or chaotically, and how far they will drop. There is still a sliver of a chance that prices could remain steady for weeks or months, or even increase once more. But a market collapse this year or next—a collapse every bit as spectacular as the two price eruptions of the 1970s—is far more likely.

Looking back across the years of OPEC and the "energy crises" to the relative tranquility of the TRC era and beyond, there are several lessons for the future.

1. *Worldwide scarcity and rising real resource cost had little or no direct responsibility for the worldwide energy-price upheavals of the 1970s.* The earth's known resources still include plenty of crude oil that could be developed and produced at resource costs (capital, material, and labor costs) well below 1973 real prices. Considering these resources alone, there is enough low-cost oil left to satisfy the world's current rate of consumption for several decades.

2. *In the absence of an effective price-maker like the Texas Railroad Commission, crude-oil markets are inherently cyclical.* Oil demand is highly responsive ("elastic") to price changes, but this response is very slow, because fuel-use patterns are embodied in capital goods whose turnover is measured in decades. For the same reason, demand is exceedingly inelastic to price changes in the short run. This contrast between short- and long-term price-responsiveness inevitably fosters cyclical price behavior. In the 1970s short-term price-inelasticity spawned a steep cyclical upswing after years of artificially-maintained stability, and in 1981, a high long-term price-elasticity finally began to show itself in the beginning of a downswing.

3. *Market structure and psychology can exaggerate an episodic oil-price fluctuation, up or down, far out of proportion to the original supply-demand imbalance that triggered it.* Inventory accumulation or liquidation, the financial position of major producers, and consumer panic can all cause markets to behave perversely over a "short-run" that can last for several years. In a mockery of the "normal" supply-demand map, an oil-price rise can for a while

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create an incentive to build inventories, and sustained price rises can encourage the withholding of production. A price reduction, likewise, can provoke liquidation of inventories and the expansion of output.

4. *A small excess of demand or supply, real or imagined, can send the market soaring or plummeting far beyond the price level that ultimately could have brought it back into balance.* Thus, there is no stable equilibrium toward which an unregulated petroleum market unfailingly moves once it is disturbed. The upheavals of the 1970s, which carried prices well above any level that could be sustained in the long run, have now set the stage for a descent far below the range of sustainable prices.

5. *No cartel or regulatory system could have held world oil prices at the low levels of the early 1970s, and none can do so in the future.* As we have seen, the energy crises were not caused by a permanent worldwide scarcity of "cheap" oil, but rather by the absence of short-term oil-demand flexibility, together with the disappearance of the short-run supply flexibility that had previously been exercised by governmental and private institutions striving for market order. In these circumstances, a relatively small curtailment of sales by a few producers openly aiming at market disruption could and did trigger an upward explosion of prices. If world oil prices now fell to pre-1973 levels (in constant-dollar terms) once more, a world-wide "energy crisis" would be with us again sooner or later.

6. *No group of producers could long hold world oil prices at the high levels of the early 1980s, and it is unlikely anyone will ever be able to do so.* Today's prices are not viable because they are pricing oil out of both the industrial fuels market and the market for petrochemical feedstocks. If prolonged, today's prices would even begin to erode oil's monopoly in transportation-fuels markets. Oil at $30 and up has, therefore, guaranteed the emergence of excess producing capacity not in just one or a handful of political entities (Texas and Lousiana, for example, or Saudi Arabia, Kuwait, and Abu Dhabi), but all over the globe.

7. *Market stability at any price requires the supply-demand balance to respond promptly and in the normal direction to any price change, and prices to respond promptly and in the normal direction to any change in the supply-demand balance.* If the world is to avoid repeated violent swings in oil prices, market arrangements must be such that a small rise in oil prices can cause either a sizeable increase in effective oil supply or a sizeable decrease in oil consumption, or both. A small drop in prices must, likewise, be

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able to induce a prompt reduction in supply or increase in consumption.

8. *Short-term supply-side adjustments to maintain price stability rather than instability require a TRC-style price-maker, but none is now in sight.* Any supplier or group of suppliers that hopes to regulate the market must have the ability and the will to swing world oil production upward to satisfy any surge of demand or supply interruption, or (more importantly now) to swing it downward in order to make room for a surge of supply or slump in demand. The system run by the TRC underpriced away its power to increase output whenever it was needed. OPEC as such never had either the will or the capacity to take responsibility, and Saudi Arabia blew its chance. It has now overpriced away its ability to reduce production sufficiently to support world prices at present levels or, most likely, at any level. The only plausible new candidates for price-maker may be PEMEX (Mexico's state oil company) and the U.S. Strategic Petroleum Reserve. Even if one of them maneuvers itself into the right strategic spot in the world market, however, there is only the barest chance that domestic politics in the United States or Mexico would permit either institution to move quickly, independently, and responsibly enough to serve as the world's oil-supply balance wheel.

9. *The only price level that even a supply-side price-maker can maintain for long is one that fosters demand-side stability as well.* If the price of oil remains within a range where oil, natural gas, and coal effectively compete for industrial sales in North America, Europe, and East Asia, many of the world's large energy-consumers will find it worthwhile to install dual or multi-fuel capacity, expressly in order to take advantages of small shifts in relative prices. The ability of a large consuming sector to switch fuels rapidly in response to changes in relative fuel prices or availability would preempt the perverse market behavior that has permitted small market shocks to explode into global crises. Multi-fuel consumers would simply let go of enough oil in a tight market, and absorb enough additional oil in a slack market, to avoid even the illusion of a physical shortage or surplus. The greater this demand-side flexibility becomes, the more modest will be the world's need for a supply-side price-maker like the TRC.

10. *The most stable and easily sustainable price range is probably on the order of $10 to $18 per barrel (in 1982 constant dollars), delivered to the world's major consuming regions.* Unlike pre-1973 prices the $10-to-$18 price range is high enough to cover the cost

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of mining and transporting coal, and of burning it in an environmentally acceptable fashion, almost but not quite everywhere in the world. These prices are also enough to justify shipping liquefied natural gas (LNG) from any low-cost gas-producing area near tidewater to almost any port in the world, and to justify building transcontinental natural-gas pipelines (though probably not the Alaska or Yamal pipelines). Prices in this range would still leave oil a significant fraction of the markets for electric-utility and industrial boiler fuels and for petrochemical feedstocks. Any price excursion outside of this range, however, would still carry the threat of steep price fluctuations further away from, or substantially overshooting, any attainable equilibrium.

History offers some empirical support for the viability of a long-term world oil price in the $10-to-$18 range. Over the past 110 years, the average price in 1982 dollars has been almost exactly $13 per barrel and, despite an average constant-dollar prime fluctuation of more than 20 percent per year, no long-term trend can be detected. (The average 1982-dollar price between 1871 and 1925 was $12.96 per barrel, and the average price between 1926 and 1980 was $13.04 per barrel).

11. *World oil prices will fluctuate both randomly and cyclically. In any given future year, however, the most likely price will be far below 1979-1982 levels.* In the absence of a secure mechanism for getting world oil prices into this range and keeping them there for several years, and in the absence of a competent and responsible successor to the Texas Railroad Commission, the prospect is for wide and unforeseeable fluctuations in world oil prices, like those that occurred before the TRC took control in the mid-1930s. The managing director of Royal Dutch Shell, D. de Bruyne, summarized the new outlook well when he wrote that "we are in for a period of severe and unpredictable discontinuities."

In summary, there is no basis in geology, resource-economics or history for predicting a never-ending increase in the real price of oil. Private investments and governmental institutions founded on that proposition are sure losers.

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Crime and American culture

JAMES Q. WILSON

We often get better answers by asking better questions. In no area of inquiry are we more in need of better answers than in the effort to explain the relationship between crime and the conditions of American life. For decades we have argued about whether crime rates have gone up because of economic deprivation, family disintegration, population changes, or judicial leniency. Those who claim that deprivation causes crime can point to the fact that street crime is more common in poor than in privileged neighborhoods, but they have difficulty explaining why, in the nation as a whole, crime rates seemed to have been stable or declining during the Great Depression and to have risen sharply during the prosperity of the 1960s. Those who argue that family disintegration leads to crime may take comfort from evidence adduced by some scholars that broken homes are more likely to produce delinquent boys, but they can take scant comfort from the work of other scholars that finds no relationship between single-parent families and crime. Though it seems clear that a rising proportion of young males in the population—such as resulted from the baby boom of the 1950s—will lead to an increase in crime, it is not at all clear why the age-specific crime rate (that is, the number of crimes committed by young males of a given age) has also increased—so much so that a delinquent boy born in Phi-

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ladelphia in 1958, was *five times* more likely to commit a robbery than one born in that city in 1945. It is quite possible that changes in the certainty, celerity, or severity of punishment affect the crime rate, but there are some formidable methodological obstacles lying in wait for anyone seeking to prove this.

Instead of trying to explain why crime rates go up, and especially why they go up during a relatively short period of time, let us ask why they go down and remain down for a relatively long period of time. The latter is, in one sense, the more natural question, for unless one believes in the inherent innocence of human nature, what one must explain is how people ever manage to form societies that are not shot through with criminality. The difficulty with asking such a question is that we have not had very good crime statistics until the last few decades, and during most of this time crime has been going up, not down. If we are to search for periods in our history when crime was stable or declining, we must rely on inaccurate, fragmentary, often inconsistent data. Until recently, even that was unavailable, but now, thanks to the work of historians (such as Ted Robert Gurr, Roger Lane, Eric Monkkonen, and others), we can draw on quite a large number of studies of crime rates during the nineteenth and early-twentieth centuries, and these can be supplemented by studies in other nations that have kept better records. No single study alone would be decisive, but what is impressive about the findings we now have is that different scholars, using different methods and investigating different cities and states, have come to conclusions that are, with only a few exceptions, quite consistent.

Crime in the new nation

On the eve of the Revolutionary War, many colonists—and not only Tories—feared that if rebellion came, "the bands of society would be dissolved, the harmony of the world confounded, and the order of nature subverted."[1] Crime and disorder would surely accompany any challenge to authority, especially one involving a resort to arms.

This did not happen—not, at least, during or just after the war. William E. Nelson, analyzing the records of seven populous Massachusetts counties, found an average of 23 prosecutions for theft each year before 1776, and 24 a year in the five years after 1776, hardly indicative of any crime wave. When the framers of the Constitution gathered in Philadelphia in 1787, crime was not an

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important issue. The small towns and villages of which the infant republic was composed seemed quite able, by using public opinion to enforce a communal consensus, to maintain an orderly society (save for the disruptions occasioned by political protest, such as Shays's Rebellion).

The vision of a tranquil community life on which the new constitutional order could depend was soon destroyed by a sharp rise in crime and disorder in American cities. Though the statistics are inadequate, it seems clear from the best historical inquiries that about the time Andrew Jackson was assuming the presidency, crime rates went up and stayed up through the 1830s and 1840s.[2] All this was what Jeffersonian critics of urbanization had feared. The small communities of pre-revolutionary Amercia that had controlled behavior by a combination of moral tutelage, reciprocal obligations, and public humiliations, were giving way to the individualistic and libertine life-styles of the big cities. By 1830 New York City had a quarter million inhabitants, and its city fathers were beginning to worry about crime and violence.

But then a striking thing happened, something totally at odds with conventional theories that urbanization or urban problems automatically produce crime. The facts are hard to reconstruct from the available data, but so far as we can tell, the level of crime and public disorder in America began to decrease (or at least to level off) beginning about the middle of the nineteenth century and continuing, with some minor ups and downs, into the twentieth century. The great waves of foreign immigration, the onset of rapid industrialization, the emergence of an urban working class—all the features of postbellum America that might have contributed to rising crime rates did not, in most of the cities that have been studied, have the predicted effect.[3]

How can we explain developments that seem to contradict the predictions of Thomas Jefferson and, even more, of common sense? One possibility is that there were created, during the latter part of the century, urban police forces to replace the older system of volunteer night watchmen. But these fledgling departments would have to have been astonishingly—and implausibly—effective to have stopped the antebellum crime wave dead in its tracks. There is no evidence they were so effective. And the resurgence of crime in the twentieth century, especially in the 1960s, occurred not only after the police had been institutionalized, but after they had gone through, in the mid-twentieth century, a determined effort to "professionalize" and upgrade them. No one can explain how a rudi-

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mentary police system could have been so powerful, and a modernized one so impotent.

A second possibility was the changing age structure of the population. From 1800 to 1900 there was a sharp and more or less continuous drop in the birth rate which led to a slow but steady increase in the average age of the population. In Rochester in 1830, three-fourths of the population of the city was under the age of thirty, and the majority of these were males who had left the farms in search of work and freedom in the rapidly growing cities. Over one quarter of the residents of those cities with populations of 100,000 or more in 1840 were in the crime-prone age group of 25 to 29. As the birth rate fell, the proportion of young persons in the cities fell, and this may have helped curb the rise in crime. But the decline in the birth rate was not the only force at work; counteracting it to some degree was the rapid influx of new immigrants, many of them young men. And though the median age of the population almost doubled between 1800 and 1950, this was not enough to explain, by itself, the decline in the crime rates. Roger Lane and Theodore Ferdinand estimate that the murder rate in Philadelphia and Boston fell, between the middle and the end of the nineteenth century, by 36 and 55 percent, respectively. But during the same period, the proportion of persons aged 20 to 29 living in large cities such as these fell by only 15 percent.[4]

A third possibility is that industrialization, far from loosening social ties, actually strengthened them by replacing the lost discipline of the small community with the new discipline of the factory and the public school. Work became regular and not, as in the earlier agricultural and handicraft society, episodic. Economic efficiency required punctuality, industriousness, and habits of cooperative effort; failure to abide by this new regimen condemned the urban worker to destitution or to an inhospitable almshouse. The public school helped inculcate those values, and, in combination with the factory, restored a degree of order that families, churches, and neighborhoods could no longer sustain. The Jacksonian cities of the 1830s and 1840s had been riotous not simply because they brought young men together in large concentrations, but because they brought them together with nothing to do (except to join in the rowdy highjinks of the volunteer fire companies). This account may have some merit, but it does not explain the mechanism by which the value of order was instilled (after all, there was plenty of opportunity for brawling and thievery after the factories closed and on Sundays) and it leaves us wondering why the discipline

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of the factory and the school should have been so effective in the 1870s and 1880s, and so ineffective in the 1960s and 1970s.

The second half of the nineteenth century was by no means a tranquil period. There were riots, though these were now more likely to have economic or industrial, rather than ethnic, origins. Crime would go up and down from year to year. There were small crime waves in many of the newer, frontier towns, and vigilante committees would spring up to deal with them. But despite industrialization, despite the widening of class differences, despite immigration, despite the growth of a propertyless urban proletariat, despite the rising congestion of the inner city, we find nothing to resemble the exceptionally high and sustained levels of crime characteristic of the emerging cities of the 1830s and 1840s, or of the mature and declining cities of the 1960s and 1970s.

Ted Robert Gurr, following the lead of the German sociologist Norbert Elias, suggests that more important than the modest decline in the proportion of young persons in the population was the growth of the "civilizing process"—that is, in the extent to which people turned away from violence and internalized or displaced aggressive impulses. The process began with the upper classes and was given institutional expression in the drive to eliminate corporal and capital punishment, the abolition of slavery, the elaboration in international law of rules for the conduct of warfare, the rise of the women's movement, the spread of the public school, the growing influence of temperance, and the development of urban police forces whose function was as much to enforce morality (especially laws against drinking) as it was to apprehend criminals.

Eric Monkkonen has advanced a parallel argument. From about 1840 into the early decades of the twentieth century, a set of essentially Victorian values took hold simultaneously with the advent of industrialization. Bourgeois—that is, middle-class—ideology acquired a remarkable degree of hegemony in England and America. Though much of it can be criticized as hypocritical—especially those parts that maintained familial virtue and individual improvement while tolerating a libertine subculture and a growing class cleavage—we must remember, as La Rochefoucauld said, that hypocrisy is the homage that vice pays to virtue. Popular literature emphasized the values of thrift, order, industriousness, sobriety, the mastery of passions, and a deep regard for the future. Conduct often departed from these standards, but for the most part there was agreement that such conduct *was* a departure to be deplored and, if possible, corrected.

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Investing in character

Persons inclined to think of history as the product of economic forces, military battles, or political choices may balk at accepting such vague notions as "the civilizing process" or the "rise of Victorian morality" as explanations. I confess that substantiating the existence, to say nothing of the power, of such ideas is difficult. Given the present state of historical scholarship, the evidence of the effect of the new moral code is largely circumstantial. But it is not trivial.

In the early decades of the nineteenth century, middle-class Americans were appalled at the disorder and dissolution of their cities. There arose in response to this concern a varied but widespread effort at social reform. Though its various manifestations had different particular goals, these had at least one thing in common: a desire to alter and strengthen human character. For centuries, young men had been leaving the farms in order to find new opportunities in the villages and towns, but the migration of the 1820s and 1830s had a new and more threatening dimension. Families with many children had often expected—even required—that several of their boys and girls go to work for others. In part this had been accomplished by assigning (or even renting) children out to work and live with another family, perhaps a large landholder but just as often a village artisan or tradesman. Childhood was very short—far shorter than it is today, when we like to think of the family as "weakened" or "nuclear"—and there was no such thing as adolescence, a period of storm and stress experienced by teenage boys and girls living at home and discovering themselves. Those who lived at home, worked; those who did not live at home, lived at somebody else's home and worked there. The growth of the cities in early-nineteenth century America was so rapid, however, and the nature of the productive processes was changing so rapidly, that the young men (and later, the young women) who now left for the city no longer lived in the home of the craftsman or manufacturer for whom they worked, but lived instead in boarding houses, with other young men. Adult supervision of young men was not weakened because the family was weakened, but because the necessary *alternative* to the family was no longer under adult control.

Young male workers in the cities suddenly acquired an autonomous social life. Americans had always drunk intoxicating beverages in prodigious amounts, but in the past it had been done by young men in the homes of their parents or their masters. Now it was done in the company of other young men, in boarding houses and saloons.

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If order was to be restored to the cities, some way would have to be found, other than the family, to instill "character."

Different people meant different things by "character"—for some, it meant a religious life; for others, merely moderation in drink and circumspection in sex; for still others, orderly habits and a suitable occupation diligently pursued. Joseph F. Kett, in his masterful study of the rise of the concept of adolescence in America, finds that all the various uplift and reform movements had in common a desire to instill "decision of character," by which was meant a "strenuous will" aimed at "inner control" and "self-restraint." The ills that middle-class adults saw all about them arose from a lack of a "self-activating, self-regulating, all-purpose inner control." If young men no longer lived and worked under direct and round-the-clock adult supervision, there was no hope of external control regulating behavior, and though urban police forces were being invented at about this time, few persons had much hope that the police could do more than control the riots and cart away the drunks, and many persons remained fearful of giving even these powers to uniformed officers of the state.

There were many routes to self-control—religious revivals, temperance pledges, Sunday school classes, and finding foster families. Americans tried them all, with a vengeance. The first few decades of the nineteenth century witnessed a series of religious revivals that have become known as the Second Great Awakening. Most of the converts in this period were young people, in their teens or early twenties, and many revival preachers aimed especially at this group, particularly in the cities. When Charles G. Finney came to Rochester in 1830, his initial appeal was to the proprietors and artisans—in short, to the middle-class—but soon he organized, with the aid of the middle-class churches, missions aimed at the workers. According to Paul Johnson, his success was due to a combination of voluntary conversion and social compulsion: Many employers began to insist on membership in a church as a prerequisite for employment and advancement.

One can easily exaggerate the extent to which the Awakening aimed at, or had the effect of, social control. It was, after all, a religious movement centering around intense debates about God and the Bible. In general, religious conservatives sought to bring man into a right relationship with God while liberals urged the need to bring man into a right relationship with his fellow man. For the latter, religious conviction had important implications for slavery (revival leaders were also abolitionists). But both sides

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agreed on the need to find principles of proper conduct that could not be inferred merely from individual wants or rational self-interest.

The reach of the religious movements was impressive, especially as they brought people into voluntary associations. In 1820, fewer than 5 percent of the adult males in New York City were on the lay boards of the various Protestant organizations located there; by 1860, that fraction had increased to about 20 percent. In the latter year, something approaching *half* of all adult Protestant males of the city were members of at least one church-related voluntary association.

It was not originally part of every revival movement to set contemporary human affairs aright or to stimulate the formation of reform associations, but converts who had "got right with God" felt an almost uncontrollable urge to help others get right with Him. One of the ways in which this might be accomplished was through the Sunday school movement. Though Sunday school often began under denominational control and with religious objectives, it soon took on a life of its own and acquired secular objectives as well. Sunday school in these days was not merely a brief lesson from the Bible, but a day-long exercise in "decorum and restraint" that emphasized, through the minute application of rules and procedures, the duties and obligations of its young members. The enrollment in this effort, both here and in England, was very large. In 1825, the American Sunday School Union claimed an enrollment of one-third of all the children in Philadelphia between the ages of six and fifteen; in 1829, over 40 percent of the children ages four to fourteen were said to attend Sunday schools in New York City. In England Sunday school enrollment tripled between 1821 and 1851, and accounted for over half of all the children between the ages of five and fifteen and three-fourths of the working-class children of those ages.

Sunday schools were not a device by which the middle-class imposed its views on a rebellious working class. As Thomas W. Laqueur has shown for England, and as was apparently true for the United States as well, the Sunday school movement was staffed and financed by working-class people who sought both to increase literacy and inculcate the values of respectable working-class society. Whatever economic cleavages separated the classes, the great social cleavage was not one that divided the classes but one that separated the "rough and the respectable." What was being inculcated in these schools were as much personal habits as religious

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or moral values: Every detail of the regimen assigned the highest importance to order, punctuality, drill, and regulation. By this means, Laqueur writes, "the bourgeois world view triumphed in the nineteenth century largely through consent, not through force." The middle-class established a "moral hegemony."

But Sunday schools did not reach the young men of the factories and shops, nor did they reach the children abandoned or neglected by their parents. For the former, the YMCA movement provided one solution: facilities and courses of instruction in the city intended to serve as a functional alternative to family and village life. Brought to the United States from England in 1851, within a decade there were over two hundred YMCAs with more than 25 thousand members. YMCAs, however, offered refuge for those least in need of it, as the young men who joined were already a part of the respectable working class. For the abandoned children, Charles Loring Brace in 1853 started the Children's Aid Society that stood in opposition to orphanages and asylums, seeking instead to relocate street urchins in farm homes in the West. Unfortunately, rural family life was more attractive to the leaders of the Society than to the children it sought to help, and it eventually proved impossible to relocate a significant number of homeless young people.

Lips that touch liquor . . .

Revivals, Sunday schools, moral uplift, YMCAs, and sheltering homeless children represented an enormous investment of social capital, but the value of that investment in maintaining public order is impossible to measure and in some instances was directed at persons who were not the immediate cause of crime and disorder. The temperance movement, on the other hand, was directed precisely at behavior that many persons believed was the cause of the urban distemper, and the effect of that movement can be estimated by noting changes in the alcohol consumption of the nation.

Today we often think of "temperance" as an effort by Puritanical farm women to obtain passage of the "disastrous" Eighteenth Amendment and the subsequent Volstead Act. In fact, it was much more than this—a century-long, broadly based social movement that may have been the single most effective effort in American history to change human behavior by plan.

In the decades leading up to the tumultuous 1830s, the consumption of alcoholic beverages was rising sharply. Colonial Americans had always drunk a lot for a variety of reasons—the shortage of

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potable water, the unavailability of coffee and the expense of tea, and the belief that alcoholic beverages were good for you. Moreover, the supply of alcohol was going up and its price was going down as the perfection of new distillation methods and the abundant grain harvests of western Pennsylvania and elsewhere made it both easy and profitable to produce distilled spirits. Not only easy, but in many cases necessary: The poor quality and high cost of overland transportation often made it unprofitable to move grain to markets in any form other than alcohol. Norman H. Clark estimates that the annual per capita consumption of alcohol in the United States rose from about 2.5 gallons in 1790 to 7 gallons in 1810 and to 10 gallons in 1829. Respectable Americans thought the effect of this increase could be seen in the rowdy, brawling conditions of city streets, the spread of saloons, and the collapse of familial virtues. (Paul E. Johnson calculates that there was one establishment selling liquor for every twenty-eight adult males in Rochester in 1829.)

"Temperance" meant different things to different people. To Thomas Jefferson it meant drinking beer and wine rather than distilled spirits. To others it meant closing down saloons but allowing home consumption of gin, rum, and whiskey to continue. To still others it meant total abstinence. Some temperance advocates relied on moral suasion, others embraced legal compulsion. But taking all its forms together, the temperance movement was extraordinarily broad, combining revival preachers and educated philosophers, urban as well as rural leaders, the intelligentsia as well as the common folk. By the thousands, men were induced to sign various temperance pledges. Special programs, such as the Cold Water Army and the Cadets of Temperance, were aimed at youth, and they grew rapidly. In 1851, Maine became the first state to prohibit the manufacture and sale of intoxicating beverages; within four years, thirteen states had such laws, including New York, Massachusetts, and Connecticut. In some places the ban was statewide, in others it gave localities an option. It was the effort to enforce these laws that gave rise to intense struggles over the control and enlargement of municipal police departments (and led, in the case of Massachusetts, to the creation of the first state police).

The effect of all this activity was dramatic. William J. Rorabaugh estimates that, beginning around 1830, alcohol consumption began to decline steeply—between 1830 and 1850, per-capita consumption (for persons aged fifteen years and over) fell from 7.1 gallons per year to 1.8 gallons per year. The Civil War caused a setback in the

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temperance movement, and the growth of beer consumption (owing much to European immigration, the perfection of large-scale production methods, and improved railroad transportation) created further difficulties. But despite all this, the per-capita consumption of alcohol never again reached the levels attained in 1830.

We cannot be certain that reduced alcohol consumption contributed to the reduction in crime, but most people at the time believed it did. Reductions in drunkenness probably reduced some crimes but not others. Temperance may have had its greatest effect, not by directly reducing crime (it is far from clear that people commit serious crimes because they are drunk), but by restoring a degree of order to urban neighborhoods, thereby permitting the normal and informal processes of social control to manage behavior. Even these results were unevenly distributed, with some neighborhoods helped and others, particularly in the teeming Tenderloin districts of the cities, left largely unaffected.

The temperance movement was the most dramatic example of the effort of nineteenth-century Americans to invest in the control of self-indulgent impulses, but it was only a part of a much wider effort to protect the character-building role of families, or to supply substitutes for familial influences at a time of growing personal liberty and rapid social change. These efforts were aimed, as Clark has phrased it, at producing in Americans a "bourgeois interior," whatever their economic exterior. That inner life was organized around the need for self-control, delaying personal gratification, and managing social relations on the basis of mutual restraint.

The triumph of self-expression

The century in which Americans invested so heavily in creating and sustaining a moral order did not end in 1920, nor has it ended today; "uplift" organizations and movements continue. But beginning in the 1920s, or at least becoming visible then, we see the educated classes in America repudiating moral uplift as it had been practiced for the preceding century.

Religious revivals, once led by liberal college students such as Theodore Weld, were now scorned by college-educated persons as being the province of narrow-minded opportunists such as Billy Sunday and Sinclair Lewis's character, Elmer Gantry. Revivalism became synonymous with fundamentalist Protestantism, and that was discredited, in intellectual minds, by the defense of the doctrine of creationism by William Jennings Bryan at the Scopes

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trial. Secular public schools, so it was thought, had now made day-long Sunday schools unnecessary. The YMCA movement continued to grow, but now largely because it offered gymnasiums and low-cost rooms rather than because it supplied spiritual and moral uplift.

And temperance had been destroyed by Prohibition. Though national prohibition was not a peculiarly American movement (national laws restricting the use of alcohol were passed at about the same time in Finland, Norway, and Sweden) and temperance had never been simply a rural effort, prohibition came to be seen by intellectuals as an expression of the narrow-mindedness of American farmers and villagers. Though there is not much evidence that crime (except for a few well-publicized gangland killings) went up during Prohibition, many people came to believe that Prohibition had caused a crime wave. Though Prohibition succeeded in reducing alcohol consumption in the United States by between one-third and one-half, in the eyes of its critics Prohibition was seen as a failure. Though the era of "Flaming Youth" and looser moral standards occurred at the same time in European nations that did not have Prohibition, Prohibition was blamed for having created a youth problem in this country (somewhat hypocritically, since the critics of Prohibiton were also among those most inclined to celebrate the youth movement).

Where a century or even a half century earlier, intellectuals and urban reformers denounced the saloon, their heirs in the 1920s and 1930s glamorized the "cocktail lounge" and took drinking in public places to be a mark of sophistication. Where a century earlier, intellectuals feared the city as a threat to traditional values, now some were beginning to praise it as the indispensable arena of personal liberty. Whereas in the nineteenth century parents worried when young persons went off to live in boarding houses made up entirely of other young people, by the twentieth century the residential college was regarded as the most desirable place to which young persons could aspire. Between 1790 and 1840, children became adults as soon as they began to work, which happened at a very early age; by the period 1890-1920, "adolescence" had been discovered, a period of stress and opportunity that required prolonged education and special nurture. Whereas in the nineteenth century scarcely anyone denied that the object of character formation was to restrain self-indulgent impulses, by the 1920s popular versions of the psychological theories of Sigmund Freud were widely circulated and misinterpreted as meaning that repressing one's

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instincts was bad, not good. The children's stories of the first half of the nineteenth century portrayed a world in which there was no conflict between moral correctness and worldly success; a "Christian citizen" would prosper in this world as in the next. In the second half of the nineteenth century that literature had become less moralistic, but still likely to emphasize success. By the 1920s, it had begun to emphasize happiness apart from success.

The almost unbounded self-confidence in which nineteenth-century Americans viewed the value of their culture and its central precepts was replaced, in the 1920s with the view that this culture was wrong, or at the very least no better than several competing cultural forms. Franz Boas and his students at Columbia University interpreted their anthropological studies in ways that were critical of middle-class Western civilization. Margaret Mead became a best-selling anthropologist by claiming that the greater happiness of Samoans arose from their being granted greater sexual freedom and from being raised in more nurturant, less repressive familes.

One might expect that all these changes in elite views would have an effect on techniques of child-rearing, and that these in turn would alter the behavior of the young by making them more daring and more impatient of restraints. Unfortunately, it is quite difficult to say much about the changes in child-rearing that occurred, and it is almost impossible to say anything about how these changes might have affected the behavior of the young. But we can say something about how elites *advised* mothers to rear their children and, since this advice was typically distributed through national magazines that competed for the woman's market, presumably it was designed with an eye to what would prove popular. In the mid-nineteenth century, child-rearing advice emphasized the supreme importance of inculcating moral and religious principles, on the assumption that the child would soon be free of direct adult supervision. Though this moral training was no longer as rigorously Calvinist as it once had been, and though corporal punishment was increasingly subject to criticism, the object of child-rearing was unchanged—to make the child "at an early age a self-maintaining moral being" so as to guard the child from "evil within and without."

This view persisted into the early part of the twentieth century, but by the 1920s it was beginning to be replaced by a different view. Whereas the child was once thought to be endowed by nature with dangerous impulses that must be curbed, he was now seen as equipped with harmless instincts that ought to be de-

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veloped. Previously it was thought a mistake to play with the child too much; now play was beginning to be urged upon mothers. Where once the stress had been on moral development and the decisive importance of the mother's character, now the literature was more likely to emphasize the enjoyable aspects of child-rearing in which fun and play were important. In 1890, 1900, and 1910, one-third of the child-rearing topics discussed in a sample of articles from the *Ladies Home Journal*, *Woman's Home Companion*, and *Good Housekeeping* were about character development; in 1920, only 3 percent were. By 1930 articles on moral character had by and large been replaced with ones on "personality development." And whereas the magazines in 1890 had said that the best means to proper character development lay in providing a good home influence, by 1920 the route to acquiring a well-adjusted personality was thought to involve proper feeding.

Except for the well-documented exuberance of the 1920s, it is not clear that this shift in the dominant ethos of the social and intellectual elites had immediate and important practical consequences, perhaps because it only represented a shift in elite, rather than mass, attitudes. Perhaps the shift away from impulse control to self-expression was also cut short by the grim realities of the Great Depression.

Though we had in the early 1930s no national crime statistics, studies of particular communities suggest that the severe economic dislocations of the Great Depression produced no significant increase in crime and may have produced a decrease. Glen H. Elder was later to analyze data gathered from persons born in Oakland, California, in the early 1920s and coming of age during the Depression. Their family incomes fell on the average by 40 percent and as a result children were pushed out at an early age into the labor market. But in spite of this—or perhaps because of it—the children displayed little sign of rebellion or deviance. Boys who were liberated from parental control were placed almost immediately under other forms of adult control in the workplace. The result, according to Elder, was to accelerate the development among these persons of a sense of adult responsibility and a set of adult (and largely traditional) attitudes.[5]

Accompanying such changes in attitude and behavior as may have been induced by a depression and a world war, was a declining birth rate in the first decades of the twentieth century. The proportion of males in the crime-prone age group of fifteen-to-nineteen was 10 percent in 1890 but only 7 percent by 1950, a drop of about

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one-third. By the 1960s, as everyone knows, the sharply increased birth rates of the 1950s had produced a baby boom that came of age. But as everyone does not know, that age shift could not by itself have produced the crime increases of the 1960s and 1970s. One additional factor, I suggest, was the continued spread of the self-expression ethic that had begun in the 1920s but had been temporarily blunted by national crises, and that for a time lacked a large youth market to which it could appeal.

Changing values, rising crime

What is distinctive about the contemporary period, in my view, is the collapse of the Victorian popular culture and of the moral legitimacy of the institutions embodying it. The psychology of radical individualism and the philosophy of individual rights has triumphed. I will not try to characterize in detail the contemporary ethos; that has been done by many others and could as well be done by the reader of this essay. I think its dominant element is individual self-expression and, closely linked with that, immediate gratification. Such an ethos need not lead to selfish behavior (the so-called "Me Decade"), for self-expression can lead to creativity and innovation that entail substantial personal sacrifice as well. But whether self-regarding or other-regarding, contemporary behavior recognizes no limits (at least for most of us) save that it "hurt no one else." This is especially true of the intelligentsia; it is less true of ordinary folk. But if my general argument is correct, it is precisely what the intelligentsia, the upper-middle-class, the educated persons, the literati, think that provides the central cues for popular culture, especially now that such persons are so large a proportion of the total population.

The contemporary public philosophy emphasizes rights, not duties. A commitment to rights implies a preference for spontaneity over loyalty, conscience over honor, tolerance over conformity, self-expression over self-restraint. Whereas nineteenth-century elites sought to extend the range of criminal sanctions over behavior—notably with respect to drink and sex—twentieth-century elites seek to decriminalize such behavior. Whereas the nineteenth-century police were expected (and were in large measure created) to enforce public order, the twentieth-century police are expected to arrest criminals. As I have argued elsewhere, the criminal law has acquired in practice if not in theory an individualist focus—the law defines *my* rights, punishes *his* behavior, and is applied by *that*

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officer because of *this* harm. This sits well with our philosophical inclinations, and makes easier the task of detecting violations of our rights, but it obscures somewhat the earlier view that the criminal law was designed in part to shape conduct and sustain communities.

Obviously, the communal element of our public philosophy has not disappeared; a concern for character, propriety, and duty persists among a majority of the citizenry, and accordingly they lead lives not radically different in substance (though often quite different in style) from what they might have led a century ago. The Protestant ethic, if that is what you wish to call it, is alive and well, though not in public view. Among elites, however, the interest in a communal as opposed to an individualistic public philosophy is now regarded as characteristic of something called the *counter*-culture, not of the culture itself; and these communal values are often based on a desire, not to perfect character by moral development, but to repudiate the "philistine" features of the ordinary culture with its commonplace concerns for conventional morality and personal propriety.

The ethos of self-expression and personal liberty has largely been developed and given its persuasive power by young persons. Whether there was ever in the nineteenth century such a thing as a "youth culture," I do not know, but I doubt it. The abnormally large proportion of young persons in the population during the 1840s certainly contributed to public disorder, but I am aware of no evidence that any important institutions deferred to youthful preferences or that older persons sought to ape them. "Bohemianism" and a "Bohemian" quarter have been a feature of our larger cities since at least 1850, but only in the last few decades have such areas been populated by liberated young people rather than by exotic adults.

The first stirrings of a youth culture occurred in the 1920s when, as Paula Fass observed, "modern youth" was created by the disjuncture between the familial world and the social world, and the acceptance, at least among the upper-middle class, of control over the social world being exercised by adolescent peer groups. Parents no doubt worried about the amount of smoking, drinking, and "petting" among their offspring, but they did not challenge the fundamental shift—that from courtship to dating as the appropriate way to organize contact between young men and young women. Courtship had been a stylized system, under close adult control, for finding marriage partners; dating, by contrast, was a method

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for having fun as well as finding partners, and it was carried out under peer-group control. As with most changes in values, the first tremors had only limited effects. A psychiatrist such as Karl De Schweinitiz could proclaim, to applause, that the goal of family life was now "the liberation of the human spirit," but in practice the new forms of self-expression were still placed in service of traditional goals—careers, prosperity, and family formation. As Fass remarked, the college students of the 1920s—the first large youth-culture market—were "optimistic about business and naughty about sex," practicing self-expression less for its own sake than as a means to popularity and success.

Since the 1960s, an increase in the proportion of young persons in the population has been met by the celebration of the youth culture in the marketplace, in the churches, and among adults. (One measure of the change: A century, or even a half century ago, young boys sought, as soon as they were able, to dress like grown men; today, grown men try to dress like young boys.) This institutionalization in all parts of society of the natural desire of youth for greater freedom may well have given legitimacy to all forms of self-expression—including, alas, those forms that involve crime and violence—and thus helped magnify and sustain what would have been a crime increase in any event.

This transformation of values is not the whole story. A full account of the current crime wave would have to consider the abandonment of the inner city by the middle class, and thus the removal from those places of the persons most likely to sustain a social infrastructure—churches, neighborhood groups, social networks, and small businesses—with a stake in impulse control. Moreover, the rise in the ethic of self-expression has occurred at a time when employment opportunities have moved out of the cities faster than have city people, diminishing opportunities for the young persons left behind. Racial antagonisms have left their mark on whites and blacks alike; though most violent crime, and much property crime is *intra*-racial, the corrosive effects of real and imagined racism undoubtedly play a part in weakening a sense of obligation to the social order. The increased availability of handguns and the sharpening of consumer instincts through the mass media contribute to at least the pattern and perhaps the level of criminality.

I give only subordinate attention to these factors for two reasons. First, many of them are unique to the United States, or nearly so, especially the pattern of urban out-migration, the availability of handguns, and the existence of racial cleavages. Yet the increase

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in crime during the last two or three decades, coming after a half-century of decline, is not a peculiarly American phenomenon, but a feature of virtually every industrialized society. A true understanding of crime depends on what these nations have in common, not what differentiates them. Second, most of the factors related to crime that are common to all nations—the consumer society, the advent of television—are not factors operating independently of the ethos of self-expression, but are reflections of it.

The philosophic roots of crime control

The great irony is that the ethos of individual self-expression not only helps explain the contemporary rise in crime, it also governs our policies toward crime. When crime and disorder first became a problem in the new republic, the solution embraced by almost all people, including the most progressive minds, was to search for ways to reduce misconduct by reasserting, or finding substitutes for, the constraints of family and village. Though some attention was paid to our rudimentary police forces and to the emergent penal system, the great social investment was in devices—religious revivals, moral uplift, temperance movements, advice to mothers—designed to shape character and induce self-control. And even the penitentiary system was initially conceived in the spirit of communal reform as a mechanism for re-educating the offender by exposing him to solitary reflection and spiritual guidance.

Our policy toward crime, then as now, was shaped in large measure by our understanding of human nature. At least two theories were in competition. One, the individualistic, found its clearest expression in the writings of Thomas Hobbes; the other, the communal, had an older provenance but was given its most forceful modern expression by Jean-Jacques Rousseau. Each is best known for his political philosophy but each based that philosophy on a theory of human nature.

Hobbes gives us a picture of man as a creature of his senses, responding to stimuli in his environment. He does not respond randomly, however, for there are active forces in him by which he evaluates these stimuli. These forces are human passions, three of which are of special importance: a desire for wealth, a desire for glory, and a fear of violent death. Because of these passions, men in the state of nature are in conflict with one another, the appetite for gain leading to theft, that for glory leading to exercising power, and that for safety leading to violence. Unchecked, these

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passions will bring about a perpetual war of all against all, in which the life of man will be "solitary, poor, nasty, brutish, and short." To avoid a violent death, men will combine to create a superior force, a Leviathan, which will protect each man from the other. With his safety guaranteed by government, man will be able to use his calculating nature to his advantage, and thereby help bring into being an orderly commercial society.

To Rousseau, man is not naturally an amoral calculator, but naturally good (or, at worst, "pre-moral"). He is not driven by any fixed passions; though he loves himself, it is not a selfish love. Man does not naturally fear death, nor love glory, nor seek wealth; all these things he is taught by society. Alongside a reasonable and moderate self-love, man is moved by the sentiment of pity and thus finds friendship rewarding and human compassion natural. Rousseau loathes the bourgeois and commercial society that Hobbes anticipates, for it corrupts the soul. To create men who are not corrupted, and societies that are not corrupting, requires great exertions. One such exertion is to acquire a proper education, one, as Rousseau describes it in *Emile*, emphasizing self-discovery and the cultivation of a decent self-love and sentiments of pity. Corrrespondingly, there is a proper organization of society, a matter on which Rousseau was not entirely clear but that seemed to involve a rough equality of wealth, a rigorous rule of law, and the inculcation of a sense of community that would shape and sustain human character.

It is apparent what kind of psychology underlies the moral and political elements of an individualistic and a communal view of man. The consequences of supposing that man is either a rational calculator or a creature of sentiments, that human nature is either fixed or pliable, are both great and obvious. We can trace from Hobbes (or, in less stark form, from Locke) a theory of government that begins with a compact among rationally self-interested persons worried about their lives and property, but determined to use the state simply as a mechanism to make possible life, liberty, and the possession of property. The government, in short, will allow and encourage the pursuit of private ends by individuals. When an individual breaks the law, he causes practical difficulties for others by reducing their security and upsetting their calculations. But since criminal citizens are fundamentally no different from law-abiding ones—save, perhaps, in their willingness to run risks, or the impatience with which they pursue practical advantages—they can be dealt with by procedures not fundamentally different

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from the arrangements that animate and justify the regime as a whole.

Thus, beginning with Hobbes, we find a utilitarian criminology first elaborated by Bentham and Beccaria (now called, for unimportant reasons, "classical" criminology). This criminology is based on adjusting the costs and benefits of alternative courses of action so as to maximize the probability that the law-abiding, and not the law-violating, course will be followed. The Benthamite calculus, marvelously elaborated, has been refined by the tools of modern mathematics into the calculus of deterrence, whereby we estimate the amount of crime that can be prevented by increasing the swiftness, the certainty, or the severity of the penalties for crime, or by increasing the availability and value of alternatives to crime (such as jobs or leisure). An especially skilled practitioner of this line of analysis once calculated that for every murderer executed, eight murders are prevented.

We can trace from Rousseau (and, of course, from even earlier writers) a theory that government is not a device to facilitate the pursuit by individuals of their private ends, but a device to shape those ends and the character of the individuals seeking them. A good society is one that forms good character in its citizens. This, obviously, is an ancient notion of government, one not necessarily linked to the rather odd mechanism of the "general will" or to the self-governing commune proposed by Rousseau. I take him as my example because he was among the first to give a modern tone to the character-forming view of government—that is, one that tries to link character formation with egalitarianism and democracy.

Rousseau's argument that modern society tends to corrupt naturally good men leads to the view that crime is not the result of choice and calculation, but rather the consequence of some defect in social arrangements. Crime, in short, is "caused" by forces over which the individual has little control. Modern criminologists refer to this as the "positivist" tradition. It can be found, implicitly or explicitly, in the writings of proponents of various structural, cultural, or psychological strategies for preventing crime and rehabilitating criminals. The precise shape of the strategy varies. Early proponents of curing the causes of crime stressed religious and moral instruction; contemporary criminologists are now entirely secular, so the emphasis has shifted to such institutions as schools, halfway houses, or neighborhoods. And do not think that positivists are always tender-minded: One of the first monuments to the rehabilitative urge was the American penitentiary.

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The American hybrid

The two opposing theories of human nature that underlie American attitudes toward crime also underlie our political arrangements. Our Constitution was written with an eye to the view of man found in Locke and Hobbes. We are all familiar with those phrases of Publius (chiefly, of James Madison) found in the *Federalist* that explained how our political arrangements were intended to use the calculating and self-seeking nature of man to protect liberty. "Ambition must be made to counteract ambition," Madison wrote, because men are not angels. Factions are inevitable, because the "latent causes of faction are . . . sown in the nature of man." To control the effects of faction and of human ambition, the Founders not only separated the powers of government but gave "to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others." It was, Madison said, a "policy of supplying, by opposite and rival interests, the defect [i.e., the lack] of better motives." Madison's view of human nature was not wholly Hobbesian; it was, as the late Martin Diamond put it, not a pessimistic view so much as a sober one. "As there is a certain degree of depravity in mankind which requires a certain degree of circumspection and distrust," Madison wrote, "so there are other qualities in human nature which justify a certain portion of esteem and confidence." But—and this is the crucial point—it was not to be the business of the federal government to create or sustain these "other qualities"; rather, the new government "presupposes the existence" of them.

George Will, in his recent Godkin Lectures at Harvard, has argued that, from a conservative point of view, this presupposition that man is good enough to make free government work is an error. The government, in his phrase, is "ill-founded." No free government can exist unless it exercises some responsibility for the cultivation of virtue among its citizens. If it merely presupposes the existence of these virtues and confines itself to managing arrangements designed to harness self-interest to serve public purposes, it will in time discover that the government, and the society, are no longer capable of serving anything *but* self-interest. Will's view was anticipated by critics of Madison at the time.

The Antifederalists, as we know, chiefly opposed the new Constitution because it claimed to do what they believed was impossible —reconcile the national government of a large republic with the protection of liberty. It was in the small community that men could truly be free. The late Herbert Storing summarized the Anti-

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federalist commitment to the small republic as involving three arguments: Only a small republic could enjoy voluntary obedience to the laws, secure the genuine accountability of the government to the people, and "form the kind of citizens who will maintain republican government." The critics of the new Constitution were not in any obvious sense the descendants of either Jonathan Edwards or Rousseau; like the authors of the Constitution, they chiefly valued liberty. The central difference between the two groups appears to have been a dispute over the means to achieve this goal. The Antifederalists believed that liberty would only be secure if society deliberately promoted civic virtue and the subordination of individual interests to the commonwealth, and this promotion could only occur safely in small republics.

A small republic—or a small community—could only promote civic virtue if its population was relatively homogenous, culturally, ethnically, and economically. The Swiss cantons were an oft-cited model. The new national government—with its capital city, its standing army, its openness to intercourse with foreign nations and foreign habits, and its inclination to aristocratic manners and European luxury—would be the antithesis of civic virtue. In particular, the Antifederalists noted the non-religious, perhaps even anti-religious, character of the new Constitution. They were quite aware that many of the emerging national leaders (Madison, Jefferson, Franklin) were children of the Enlightenment who believed, at best, in a vague deism that looked for guidance to the orderly patterns of nature, rather than to the strict commands of God. Madison and Jefferson went much further than almost any other national figures in attempting to separate church and state. In the former's *Memorial and Remonstrance* and the latter's *Notes on the State of Virginia*, they argued not only against coercion of religious beliefs, but also against any state support of churches—against, that it, making religion an "engine of Civil policy." Though the Supreme Court has largely adopted the Madisonian view of church-state relations, that is probably not what most persons at the time believed (and certainly not what the authors of the First Amendment thought they were enacting). The Antifederalists, to be sure, favored freedom of conscience, but expected that government would foster religion, support it, and make passing a religious test a qualification for office. Religion *ought* to be an "engine of Civil policy," though in a nation as diverse as America it could only be so at the local level.

My argument thus far, stripped of important qualifications, is

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that we grafted a Lockean (and in part, Hobbesian) national government onto a communal life that was explained and defended in the language of Rousseau, and we did so over the objections of many who thought the engrafted national limb would destroy the sturdy communal trunk. The graft was successful in large measure because the defenders of small communal republics could think of no practical alternative (given the need for national defense and orderly commerce), and because the defenders of the Constitution assumed that the center of our collective lives would remain in communities which would nurture the civic virtues on which the national order depended.

Their assumption was not an unreasonable one. The national government, after all, had limited powers and modest responsibilities; the governance of the nation would remain chiefly the duty of towns, cities, and states. If governance required the formation of character by education, religion, or the force of communal opinion, then all this would be done (to the extent it could be done) by the many small republics of which the new nation would be composed.

The events of the Jacksonian era were to reveal the error of that assumption. The small republics became teeming cities in which young men freed of adult supervision became rowdy libertines. Andrew Jackson himself was worried about the moral health of the nation over which he was elected to preside. As Marvin Meyers has argued, his appeal to "the people" was not merely an appeal against the "money power" of the banks and corporations; it was more profoundly an appeal for the restoration of civic virtue that he thought was exemplified in the industrious and economical lives of planters, farmers, and laborers. That virtue consisted of self-reliance and simplicity. The country, he felt, was in a moral crisis.

The response to that crisis, as we have seen, was also cast in moral and communal terms. If the cities and the factories were a new challenge, redoubled efforts would be made to meet that challenge. For the better part of a century, the struggle was waged. It had its ups and downs. Wars and panics interrupted and even, for a while, reversed it; it was aided to a degree by a slow rise in the average age of the population. But not until this century was the effort *formally abandoned.*

A polity without community?

Today, and for the last few decades, enlightened people scoff

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at moral uplift, reject temperance as an effort of bluenoses, and are skeptical (with good reason) about the prospects of using prisons (or much of anything else) for rehabilitating offenders. Having replaced the Victorian commitment to controlling impulses with the modern commitment to individual choice, both liberal and conservative students of crime have turned their attention to finding better ways of manipulating the incentives facing individuals who might choose crime. The chief difference of opinion among these thinkers is whether it is better to manipulate the costs of crime (by stressing the deterrent or incapacitative effects of criminal sanctions) or the benefits of non-crime (by stressing the need for better employment and income-maintenance opportunities).

Advocates of manipulating costs are usually regarded as "tough-minded" while advocates of manipulating benefits are often thought to be "tender-minded"; in fact, there is no important philosophical difference between them (though they imagine there is). Both assume that the would-be offender is reasonably rational and generally self-interested, and that he chooses between crime and lawfulness on the basis of the opportunities each offers to satisfy his needs. Indeed, if the model of human nature each school embraces is correct, then it follows that a sound public policy would try to alter *both* costs and benefits. Of course, the tough-minded may believe that it is the attractiveness of crime that leads people to prefer it even to available jobs, whereas the tender-minded may think that it is the unavailability of jobs that "forces" people into crime regardless of its costs. These differences have important political implications but only modest scientific or philosophical ones. The tough-minded stress getting tough and the tender-minded stress doing good, but all they are arguing about is the relative efficiency of sanctions and their alternatives (which is only a matter of more or less); they embrace the same theory of human nature.

The older debate about crime involved very different assumptions about human nature. Both liberals and conservatives (those terms, of course, were not in use at the time) agreed that crime was the result of failure in the moral development of men, in particular the failure of some men to learn how to control their impulses. "Conservatives" thought that human nature was fundamentally evil and that the family and church must work hard to overcome, by rigorous discipline, these base impulses; "liberals" thought human nature was at worst neutral and perhaps good and the task of the family and church was to guide those benign impulses into a "Christian character."

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The current ascendancy of the rational-choice view of human nature—the view first sketched by Hobbes and then elaborated by Bentham—is in part the result of the disappointment of those who sought dependable evidence that criminals could be rehabilitated by plan, in large numbers, and at reasonable cost. But science alone rarely shapes our conceptions of human psychology; there were cultural and political reasons as well for the declining acceptability of the communal approach to crime. That view seemed, to many of its adherents, to require an intrusion into personal lives that was quite out of keeping with personal liberation and radical individualism.

The demise of Victorian morality, the inability of the state to recreate that morality, and the growth in personal freedom and social prosperity, have combined to produce an individualistic ethos that both encourages crime and shapes the kind of policies we are prepared to use to combat it. A liberal, commercial society committed to personal self-expression thus discovers that it must rely more, not less, on the criminal justice system and on efforts to manage the labor market. Since 1960 we have invested heavily in trying to improve the criminal justice system and solve the problem of young adult unemployment. Partisans of one strategy or another argue about which tactic has received or should receive the greater emphasis, but in the long view this is little more than a policy quibble.

The factors that most directly influence crime—family structure, moral development, the level of personal freedom—are the very things that we cannot easily change or, for persuasive reasons, do not wish to change. The factors that we can change (though perhaps not as much as we wish) are the factors that have only a marginal influence on crime—laws, police and prosecutorial strategies, and government-created job programs. It is possible that very large changes in these formal institutions would make a larger difference, but we are reluctant to risk having a more oppressive police or a more meddlesome state. Besides, we are constrained by a sense of justice: When many are unemployed, it seems unfair to give criminals or would-be criminals priority access to jobs.

Societies that are not free need not rely heavily on the police apparatus to control crime, for, if they manage their unfreedom skillfully, they can use schools, neighborhoods, communes, political parties, and mutual spying to control behavior. Societies that are free need to rely more heavily on the police apparatus and economic management because they have foresworn the use of other meth-

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ods. Law becomes more important as informal social control becomes less important.

The people are impatient with so bleak a choice, and have, by their actions, indicated their continuing attachment to a more communal form of crime control. Hundreds, probably thousands, of neighborhood organizations and civic enterprises have arisen spontaneously out of a desire to reduce crime by direct popular action. It is a measure of our times that these efforts are often resisted by the police as an intrusion into their official domain, and criticized by the intelligentsia as giving expression to the vigilante spirit. In truth, this recourse to informal, communal action is nothing more than a reaffirmed allegiance to a communal theory of social control, and a repetition of a manner of exercising that control noted by Tocqueville when he visited this country (at a time when crime was beginning to become a problem). He wrote:

> In America the means that the authorities have at their disposal for the discovery of crimes and the arrest of criminals are few. A state police does not exist, and passports are unknown. The criminal police of the United States cannot be compared with that of France; the magistrates and public agents are not numerous; they do not always initiate the measures for arresting the guilty; and the examinations of prisoners are rapid and oral. Yet I believe that in no country does crime more rarely elude punishment. The reason is that everyone conceives himself to be interested in furnishing evidence of the crime and in seizing the delinquent. During my stay in the United States I witnessed the spontaneous formation of committees in a country for the pursuit and prosecution of a man who had committed a great crime. In Europe a criminal is an unhappy man who is struggling for his life against the agents of power, while the people are merely a spectator of the conflict; in America he is looked upon as an enemy of the human race, and the whole of mankind is against him.

Today, the dominant ethos does not easily support such methods or such views. We have become a nation that takes democracy to mean maximum self-expression (though it never meant that originally), and to be suspicious of any effort to state or enforce a common morality. Democracy has become an end, though it originally was embraced as a means to other ends—a way (to quote the Constitution) of forming a more perfect union, establishing justice, insuring domestic tranquility, providing for the common defense, promoting the general welfare, and securing the blessings of liberty. In the hands of reasonable, decent people, a devotion to "self-actualization" is at best artistic or inspiring, and at worst banal or trivial. In the hands of persons of weak character, a taste for risk,

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and an impatience for gratification, that ethos is a license to steal and mug.

We have made our society and we must live with it. If the philosophy of Hobbes and Bentham governs our explanations of history and our definitions of policy, so be it; no one, least of all fundamentalist ministers, is going to change that. And so we must labor as patiently as we can to make a liberal society work and to make the best and sanest use of our laws to control behavior without feeling embarrassed that by invoking the law, we are denying our liberal creed. Far from it—we are reaffirming it.

ENDNOTES

[1] Quoted in Gordon S. Wood, *The Creation of the American Republic* (Chapel Hill, NC: University of North Carolina Press, 1976), p.66.

[2] See Roger Lane, "Urban Police and Crime in Nineteenth-Century America," in Norval Morris and Michael Tonry, eds., *Crime and Justice: An Annual Review of Research*, vol. 2 (Chicago: University of Chicago Press, 1980), p.27; Roger Lane, *Violent Death in the City: Suicide, Accident, and Murder in Nineteenth-Century Philadelphia* (Cambridge, MA: Harvard University Press, 1979), p.71; James F. Richardson, *The New York Police, Colonial Times to 1901* (New York: Oxford University Press, 1970), chap. 2; Ted Robert Gurr, "Contemporary Crime in Historical Perspective: A Comparative Study of London, Stockholm, and Sydney," *Annals* 434 (November 1977): 114-136.

[3] In addition to Lane, see: Ted Robert Gurr, "Historical Trends in Violent Crime: A Critical Review of the Evidence," in Michael Tonry and Norval Morris, eds., *Crime and Justice: An Annual Review of Research*, vol. 3 (Chicago: University of Chicago Press, 1981), pp. 295-353; Michael B. Katz, et al., *The Social Organization of Early Industrial Capitalism* (Cambridge, MA: Harvard University Press, 1982), pp. 206, 208-209; Eric H. Monkkonen, "A Disorderly People? Urban Order in the Nineteenth and Twentieth Centuries," *Journal of American History* 68 (December 1981): 536-559.

[4] In addition to Lane, see: Warren S. Thompson and P.K. Whelton, *Population Trends in the United States* (New York: McGraw-Hill, 1933), p.362; Theodore N. Ferdinand, "The Criminal Patterns of Boston since 1846," *American Journal of Sociology* 73 (July, 1967): 84-99; National Commission on the Causes and Prevention of Violence, *Crimes of Violence* (Washington, D.C.: Government Printing Office, 1969), vol. 11, p. 61.

[5] See V. Jones, "Relation of Economic Depression to Delinquency, Crime, and Drunkenness in Massachusetts," *Journal of Social Psychology* 3 (1932): 259-282; M.E. Kirkpatrick," Delinquency in Cleveland and Cuyahoga County During the Depression Period." *American Journal of Orthopsychiatry* 4 (1934): 383-386; Roy M. Simpson, "The Employment Index, Arrests, Court Actions, and Commitments in Illinois." *Journal of Criminal Law and Criminology* 24 (1934): 914-922; Glen H. Elder, *Children of the Great Depression* (Chicago: University of Chicago Press, 1974), pp. 275, 279, 287.

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"To serve and protect": learning from police history

MARK H. MOORE & GEORGE L. KELLING

Over the last three decades, American police departments have pursued a strategy of policing that narrowed their goals to "crime fighting," relied heavily on cars and radios to create a sense of police omnipresence, and found its justification in politically neutral professional competence. The traditional tasks of the constable—maintaining public order, regulating economic activity, and providing emergency services—have been deemphasized, and those of the professional "crime fighter" have increased. Joe Friday's polite but frosty professionalism ("Just the facts, Ma'am") is a perfect expression of the modern image.

In many ways, this strategy has been remarkably successful. Thirty years ago, the idea that the police could arrive at a crime scene anywhere in a large city in less than five minutes would have been idle dreaming, yet we now have that capability. Similarly, the idea that the police would have moved out from under the shadow of political influence and flagrant abuses of individual rights would also have seemed unrealistic, yet most people now think of the police as much more honest and professional than in the past. In fact, in many ways the current strategy of policing is the apotheosis of a reform spirit that has guided police executives for over eighty years.

It is ironic, then, that precisely at the moment of its greatest

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triumph, the limits of this strategy have also become apparent. The concrete experience of citizens exposed to this strategy of policing is different from what the reformers had imagined. Officers stare suspiciously at the community from automobiles, careen through city streets with sirens wailing, and arrive at a "crime scene" to comfort the victim of an offense that occurred twenty minutes earlier. They reject citizen requests for simple assistance so that they can get back "in service"—that is, back to the business of staring at the community from their cars. No wonder so many citizens find the police unresponsive. Officers treat problems which citizens take seriously—unsafe parks, loud neighbors—as unimportant. And when a group of citizens wants to talk about current police policies and procedures, they are met by a "community relations specialist" or, at best, a precinct patrol commander, neither of whom can respond to their problems without calling headquarters.

This situation would not be so bad if the police were succeeding in their crime-fighting role. But the fact of the matter is that they are not. Crime rates continue to increase, and the chance that a violent crime among strangers will be solved to the satisfaction of the police (let alone the prosecutors and the courts) is still less than 20 percent. The reason for this poor performance, research now tells us, is that the police get less help than they need from victims and witnesses in the community.

How has this peculiar situation come about? How is it that the one public body that promises "to serve and protect" today seems incapable of doing either satisfactorily? And how might police procedures be reformed to allow officers to control crime effectively *and* give citizens the kind of service they need to feel safe and comfortable in their communities? A useful way to begin answering these questions is to review the history of American policing and note some of the paths abandoned along the way. While much of this history is well known to some, what is less well understood is how the pursuit of a professionalized, politically neutral police force—narrowly focused on "serious crime" and relying on new technologies—eventually weakened the bonds between private citizens and the police, and shifted the burdens of enforcement to a public agency that could not succeed by itself.

Private and public policing

It is easy to forget that publicly-supported police agencies were only recently created in the United States. Throughout the colonial

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period and up until the mid-nineteenth century, everyday policing was performed by night watchmen who also lit lamps, reported fires, managed runaway animals, and stood ready to help in family emergencies. Their role as "crime fighters" was restricted to raising a general alarm whenever they saw criminal misconduct—an event that must have been rare, given the small numbers of watchmen and the haphazard methods of patrol. Apprehension of the fleeing felons then depended on vigorous pursuit by private citizens. The investigation of past criminal offenses also depended on private initiative. When sufficient evidence was gathered, a victim could enlist the aid of a constable to regain his property or make an arrest, but the constable would ordinarily rely on the victim to locate the suspect.[1]

By the 1840s, this informal arrangement became insufficient to deal with the increasing lawlessness of American cities, so city governments began experimenting with new forms of policing. The most important model for these changes was England, which was also debating about and experimenting with new forms of policing. The old English system, which had served as the model for the American, also placed heavy reliance on private individuals for crime prevention, apprehension, and investigation; beyond that, there was only a loose network of publicly supported watchmen, constables, and courts. Publicly supported policing was, however, supplemented by commercial "thief catching" firms, the "Bow Street Runners" being the most famous. These firms depended on informants and undercover operations, as well as more traditional investigative techniques. While these methods seemed to give commercial firms a competitive advantage in solving crime, the potential for corruption and abuses was quite high. (Some of their success seems to have depended on arranging for the crimes to occur in the first place!)[2]

Despite the traditional authority of the constables, and the vitality and ingenuity of private commercial policing, the English forces of public order tottered before the social challenges of the 1830s. As in the United States, the problem lay in the growing cities, where authorities not only had to cope with street crime, but also with riots, demonstrations, and increasing assaults on public decency (i.e., drunkenness and "juvenile delinquency"). And the street lights still had to be lit.

Much as the American "crime wave" and riots of the 1960s led to the creation of federal commissions and independent research centers to study the prevention of crime, the English social dis-

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turbances of the early-nineteenth century led to a fundamental re-evaluation of policing. Jeremy Bentham and Patrick Colquhoun proposed a form of "preventative policing" and drafted legislation mandating the regular supervision of known criminals, people in "dangerous" occupations (e.g., minstrels), and even specific ethnic groups (e.g., Jews).[3] The English also looked across the Channel at the "continental model" of policing based on informants and covert surveillance rather than overt patrols.[4]

In the end, neither "detective policing," as suggested by the Bow Street Runners and the French, nor "preventative policing," as conceived by Colquhoun, was adopted as a strategy for English policing in the mid-1800s. Instead, Parliament chose a model of policing based on the success of the Thames River Police. Originally established as an experiment funded privately by insurance companies to reduce property losses, the Thames River Police were so successful that they became the first police organization in England to be financed entirely by public revenues. Publicly-supported policing was then mandated throughout England in 1829 by the Metropolitan Police Act, and the Metropolitan Police began patroling the streets of London shortly thereafter.[5]

The British approach to policing consolidated older traditions. The strategy was still based on overt, reactive patrol, and the patrol force, armed only with concealed truncheons, was trained to be civil in confronting citizens. The only major changes were that the patrol force became larger, trained, and were deployed more carefully, and were organized in chains of command that would allow operations in large units as well as small. Investigation was still privately supported, and no use of informants or covert police was explicitly sanctioned to gather prior information about crimes.

The transformation of British policing in the early-nineteenth century had a tremendous impact on American thinking and practice. New York City established a municipal police force based on the British model in 1845, followed quickly by Boston and Philadelphia; by 1855, cities as far west as Milwaukee had police departments. As in England, these departments consisted of overt, reactive patrol forces capable of operating in large or small units. And because the forces were accessible to citizens at all hours, they retained their constabulary functions, providing emergency service as well as controlling crime and maintaining public order.

The establishment of publicly-supported police departments patrolling city streets was clearly a major event shaping the institutional development of police departments. Indeed, current strategies

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of policing are the direct descendants of these innovations. As important as these events were, however, the innovations of the mid-1800s were a less decisive resolution of basic issues in the design of police strategies than is often supposed.

The reforms did not mean, for example, that the responsibility for crime control had passed irrevocably from private to public hands. Private police forces, in the form of railroad police, "Pinkertons," and private detectives, played a major role in controlling crime and disorder well into the twentieth century. And though these private police forces were less prominent through the 1960s, they are now reappearing in the form of commercial security guards and volunteer citizen block-watches. (And the police remain dependent, as they always have been, on the willingness of citizens to alert them to crime and aid them in the identification, apprehension, and conviction of suspects.)

Nor did the American reforms of the mid-1800s focus the attention of the police exclusively on crime, demonstrations, and riots. The scope of police responsibilities remained very broad: They were responsible for discouraging lesser forms of public disorder (e.g., drunkenness, vandalism, obscenities, harassment, lewdness), for regulating economic activity (e.g., enforcing traffic laws, coping with unlicensed peddlers, inspecting facilities), and for handling everyday medical and social emergencies (e.g., traffic accidents, fires, lost children).

Similarly, although the adopted strategy seemed to emphasize overt, reactive patrols, other strategies did not entirely disappear. By the late 1800s, most metropolitan police departments had developed detective divisions as well as patrol divisions. These units not only conducted investigations of past crimes at public expense (a major change from the earliest traditions), but also began using informants and covert methods that allowed them to prevent future crimes, as well as solve past ones.[6] And while no explicit authorization was given for "preventative policing" as it existed on the Continent, the police were able to use their authority to enforce public order and regulate commerce to accomplish the same purpose.

Perhaps the most significant question left unresolved by the innovations of the 1850s, however, was the basis of the new institution's legitimacy. What gave the new police force the right to interfere in private matters? Were they to be considered agents of the state, allies of current political figures, neutral instruments of the law, or specialized as professionals? In England, the police

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were able to draw on the traditional authority of the crown and explicit parliamentary authorization, and even so the legitimacy of the police was suspect. (Upper class people reportedly whipped the police as they passed in carriages, and the press commented favorably whenever a policeman was killed in a crowd.)[7] In the United States, the police had even less on which to rely. Local political support would always be fickle in a democratically-spirited country ever skeptical of authority and claims to "expertise," so it should come as no surprise that the new police forces would be suspect and considered potentially dangerous.

From constable to crime fighter

The tension between the need to maintain order in a growing country and the inherent distrust of authority profoundly shaped the development of the American police between 1870 to 1970. The first phase began immediately when the new municipal police forces became allied with local politicians. In the words of Robert Fogelson, police departments in the 1800s became "adjuncts to the political machine," and a major source of jobs and upward mobility for newly-arrived immigrants.[8] Their duties ran from maintaining public order, economic regulation, and crime and riot control, to providing lodging and soup kitchens for vagrants. Of course, since their legitimacy rested on local political support, rather than an abstract notion of full and impartial enforcement of the laws, their enforcement efforts were far from even-handed. By accommodating differences among ethnic neighborhoods and the purposes of local politicians, the police were more a central cog than a mere adjunct of the big city machines.

By the end of the 1800s the police became a favorite target of reformers in the Progressive movement, who despised both the established power of the political machines and the "disorder" that characterized those parts of the cities where police had stopped enforcing vice laws. Ending the "corruption" of the police became a central feature of the Progressive program, as was the transfer of social welfare functions from the police to the new social work professionals. The Progressive conception of the police was one radically different from the practices which had developed over the previous century, and consisted of several significant departures: The police were to become a highly disciplined, paramilitary organization independent of local political parties; to ensure that independence, the force would be organized along functional rather

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than geographic lines; personnel procedures would be strictly meritocratic rather than political; and police duties would be limited to the strict enforcement of existing laws.

The first wave of reform did not succeed completely, mainly due to Prohibition. Popular opposition to the liquor control laws was so widespread that "equal enforcement of the laws" was out of the question, and "corruption" reappeared to accommodate the unwillingness of responsible citizens to comply with the law. This experience taught a significant new lesson to the reformers: Not all laws command equal respect, so only those laws that are widely supported should be enforced. (Later, this idea was expanded to cover so-called "victimless" crimes.)

This "lesson," whatever its flaws and whatever its unforeseen consequences, laid the basis for the next phase of American policing, in which the police became primarily concerned with serious crime: murder, assault, robbery, rape, burglary, and theft. "Victimless" crimes, disorderliness, economic regulation, and social services became less important after the 1930s because, it was argued, police activity in these aroused citizen opposition, encouraged unequal enforcement, and spawned corruption. The clean, bureaucratic model of policing put forward by the reformers could be sustained only if the scope of police responsibility was narrowed to "crime fighting."

Several other developments reinforced the notion of police officer as "crime fighter." One was the improvement of communication and transportation technologies. With cars, telephones, and radios, all of which became widely available to the police in the 1940s and 1950s, it seemed that an omnipresent patrol force could be created.[9] Moreover, the new technology complemented the objective of creating centralized, tightly disciplined police organizations. The second influence was the development of the Uniform Crime Reports which publish rates of homicide, rape, robbery, aggravated assault, burglary, larceny, and motor vehicle theft for every city in the country. These data inevitably became important indicators of police performance, and encouraged police administrators to focus on these crimes as the most important targets of police work.

The net result of these recent developments—cars, radios, and statistics—has been a new reform strategy that resembles the old in its commitment to equal enforcement of the laws and its emphasis on a disciplined police bureaucracy, but differs in that it focuses narrowly on property crimes and violent crimes rather than

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the enforcement of all laws—especially those regarding public order and economic regulation. To a great extent, the professionalized "crime fighting" strategy of policing that emerged after World War II is the current dominant police strategy. Its explicit goal is the control of crime, not maintaining public order or providing constabulary services. It depends on even-handed, non-intrusive enforcement of the laws, but only those laws with widespread public support. Its basic mode of operation includes motorized patrol, rapid responses to calls for service, and retrospective investigation of offenses, not high-profile foot patrol or "preventative policing."

The consequences of reform

By now, the goal of "professionalizing" police forces—of making them conform to the reform strategy—has become an orthodoxy. Police executives, experts on policing, the police themselves, even mayors and legal philosophers, are all eager to trade constables and cops on the beat for professional crime fighters—to transform their "street corner politicians" into Joe Fridays and then into SWAT teams. The irony is that this orthodoxy has become powerful in shaping police aspirations and practices at about the same time that embarrassing weaknesses are beginning to appear.

It is now clear, for example, that there is a limit to the deployment of police resources (squad cars, rapid-response police teams, investigators) beyond which the rate of violent crime is very insensitive. The most recent research convincingly establishes three points. First, neither crime nor fear of crime are importantly affected by major changes in the number of officers patrolling in marked cars.[10] Apparently, within broad ranges, neither criminals nor citizens can tell whether an area is heavily or superficially patrolled when the patrolling is done in cars. Second, rapid responses to calls for service do not dramatically increase the apprehension of criminals.[11] The reason is that citizens do not call the police until long after a crime has been completed, and the attacker has fled the scene. Given these delays, even instantaneous police responses would do little good. Third, police investigators are unable to solve crimes without major assistance from victims and witnesses.[12] Indeed, unless they can identify the offender, chances are overwhelming that the crime will not be solved. On the other hand, if citizens can identify the offender, it is difficult to see what modern detectives add to what the local constables used to do. And,

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at any rate, the capacity of the police to solve crimes—particularly those involving violence among strangers—remains shockingly low. Fewer than 20 percent of robberies are solved, and an even smaller fraction of burglaries.[13] All this suggests that the orthodox police strategy provides neither general deterrence, nor successful apprehension of individual offenders.

Besides running up against limits to professionalized crime fighting, it is now clear that contemporary police strategies ignore a large number of tasks which the police have traditionally performed. There are no streetlamps to light anymore, but there are a large number of constabulary functions—maintaining order in public places (parks, buses, subway platforms), resolving marital disputes, disciplining non-criminal but harmful juvenile behavior, preventing public drug and alcohol use—which no other public organizations have taken up since they were abandoned by the police. These jobs simply are not done, and what is worse, they have come to be seen as illegitimate functions of *any* public body or private citizen. The role of modern legal philosophy is very important here, for it has been most responsible for making many of these once implicitly-sanctioned practices explicitly illegal for the police, and without that implicit support individual private citizens have become unwilling to take matters into their own hands.

The bitter irony of this development is that it is probably these constabulary functions, properly performed, that make people feel safer in their neighborhoods than a drop in the "crime rate" as measured in the Uniform Crime Reports. Seeing a cop on the beat, allowing one's children to play unsupervised in the park, not being offered drugs on the street, taking the bus or subway late at night without being approached by vagrants—all these things probably make citizens feel safer than a drop in average police response time from five to three minutes. The sort of infringements on public order we are describing are often "unlawful," but they are not serious crime. As a result, the police neglect these offenses and escape the charge of discriminatory enforcement. Yet such offenses may matter more to citizen security than relatively rare "crime" as the police now define it.

Perhaps the most significant and least obvious limitation of the current police orthodoxy is the loss of a political base for police organizations. This is obscure largely because the current orthodoxy claims an opposite virtue: Once freed from corrupting political influence, the police become legitimate, neutral instruments of the law. Yet the weakness of politically neutral police depart-

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ments was evident in the mid-1960s when local police confronted the peaceful civil rights movement, large-scale student demonstrations, inner-city riots, and political terrorist groups. These activities challenged orthodox police strategy—since none is ordinary "crime"—and the police simply could not respond effectively. Zealously pursuing ordinary street crime, they were accused of exacerbating rather than controlling riots. Dealing with terrorism required proactive policing, and the police found themselves without local political allies in conducting these operations. The strategy of professionalized crime fighting simply could not deal effectively with the political attack on city governance in the 1960s; and rather than fundamentally rethink their strategy, local forces made lame gestures toward improving "police-community relations"—a phrase that only highlights the false distinction at the heart of modern policing.

There is a common element in each of these areas of weakness: an insufficient link between the aspirations and interests of local communities, and the operations of the police. In professionalizing crime fighting, the "volunteers," citizens on whom so much used to depend, have been removed from the fight. The effect has not been increased security, but impotence in apprehending offenders, widespread fear triggered by disorder, and a sense that things must really be bad if police departments with all their capabilities cannot seem to cope with the problem.

Reforming the reforms

If there is anything to be learned from the relatively short history of the American police it is that, whatever the real benefits of professionalization (e.g., reduced corruption, due process, serious police training), the reforms have ignored, even attacked, some features that once made the police powerful institutions in maintaining a sense of community security. Of course, it would be hopelessly romantic to think that modern police could immediately reclaim an intimate relationship with well defined communities in today's cities, or resume their broad social functions. And, indeed, there is much in the modern conception and operations of police departments that is worth preserving.

But still, within bounds, it may now be possible for imaginative police executives and those who supervise their operations to make changes that could reclaim some of the old virtues while sacrificing little of value in the modern reforms. We offer ideas in four dis-

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tinct areas: police dealings with private self-defense efforts; scope of police responsibility; police deployment; and the organizational structure of the force. In each case, the proposals are designed to link the police more surely to the communities in which they now operate.

Private and public enforcement. Private citizens inevitably play an important role in controlling crime. By limiting their exposure to risk, investing in locks and guns, banding together to patrol their own streets, or financing a private security force, private citizens affect the overall level of crime, and the distribution of the benefits and burdens of policing. Police strategists should encourage those private mobilizations, provide guidance and technical assistance, and position the police as back-ups to private efforts.

To a degree, of course, police forces now do this. They pass out police whistles, urge people to mark their property so that it can be more easily identified when stolen, help to organize block watches, and set up emergency call systems tied to rapid responses to calls to service. Yet, apart from responding to calls for service, one has the feeling that the police do not really take such activities seriously; and when the private efforts become powerful, the police often attack them as a danger to liberty (though their greater concern might well be the economic security that comes from monopolizing crime control efforts).

Nowhere is this ambivalence more obvious than in the general response to the growth of the Guardian Angels, a private paramilitary group that began in New York City and spread across the country. Many consider the Guardian Angels a useful auxiliary patrol force that reminds private citizens of their public responsibilities, and dignifies the young men and women who join; opponents (often including the police) see the Angels as vigilantes threatening the rights of citizens with undisciplined enforcement. Neither view is quite appropriate. Those who welcome the Angels as a novelty forget that private policing was the only form of policing for centuries, and that the creation of a public police force was conceived as a great reform.

Those who think of the Angels as dangerous vigilantes forget the value of private crime-control efforts, and the crucial difference between vigilantes and responsible citizens playing their traditional role in crime control. The Guardian Angels limit their functions to deterrence and, occasionally, apprehension; they neither judge guilt nor mete out punishment. And the Angels do not take offense or intervene easily; they respond only to serious crimes that they ob-

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serve. In so doing, they assume nothing more than the rights and responsibilities of good democratic citizens. It is somewhat ironic that the appearance of several thousand Guardian Angels attracts such great public interest and worry, when the emergence of a *commercial* private security force numbering in the millions has attracted almost no notice at all.

In sum, the Guardian Angels serve as a reminder that, while private policing entails some risks, it remains a useful part of overall crime control efforts. Each increase in public policing may be offset by some reduction in private policing, and it is not uncommon for citizens to refuse involvement, saying, "Let the police do it, they get paid for it." But if the public is made to understand that public policing *complements* private efforts, private individuals will take more public responsibility. They will call the police when they see offenses, agree to act as witnesses, and even intervene themselves precisely because public police are available to support them. To the extent possible, the local police must encourage, rather than resist, these private efforts.

The scope of police responsibility. If the police are going to ask for more help from their communities, it seems likely that they will have to produce more of what communities want. As we have seen, police agencies have narrowed their purposes to combatting serious crime. This narrowing is applauded by a general citizenry that thinks "serious crime" is what it fears, by legal philosophers who think the enduring social interest in non-intrusive and fair policing can best be served by focusing attention on a few serious and visible crimes, by professional police administrators who want to allocate scarce resources to the most urgent areas, and by the police themselves who prefer the imagery of "combating bad guys" to the more complex, mundane tasks. This is a strategic error. The error comes not in emphasizing the importance of controlling violent crime—no one looking at U.S. crime statistics could possibly propose not taking violent crime seriously—but rather in imagining that effective control can be gained simply by complaining about court decisions that "handcuff" the police. More effective control of violent crime depends on an increased willingness on the part of communities to help the police identify and prosecute offenders, but the police miss many opportunities to establish closer relationships with the community, relationships that would encourage such assistance.

Take, for example, the current police response to victims of violent crime. When a violent crime occurs, the police dispatch a

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patrol car. The officer takes a statement from the victim and identifies witnesses; occasionally an arrest is made at the scene. The officer disappears, and the case is turned over to a detective who may, or may not, interview the victim. The offender is taken to court and often released on bail. The terrified victim may well be intimidated by the offender, yet when he or she calls the police, the call is given a low priority. Neither the arresting officer nor the detective is likely to hear of, or allay, the victim's fear. Surely there is more that can be done by the police to reassure victims: They could be given a name and number of another to call, and the police might even arrange to visit periodically, in unusual cases, or to stake out the home of the victim. Note that the *police* should do this, not some social work agency. Police involvement is important, not only because they have a plausible capacity to protect, but also because they can simultaneously earn credit with the community and strengthen their case against the offender.

In a similar vein, the police could take more seriously their responsibilities to maintain public order. If, as an accumulating body of evidence suggests, it is public disorder and incivility—not violent crime—that increases fear, and if the police wish to reassure citizens, they must maintain public order—in parks, on busy street corners, at bus stops—as well as fight crime. Similarly, commercial regulation such as traffic and parking control, which is now performed mechanically, should be explicitly organized to support local commerce. Finally, police departments should *welcome* their role in providing emergency services—coping with traffic accidents, fires, health emergencies, domestic disputes, etc. Officers will inevitably perform these services, so they might as well incorporate them in their mission, perform them well, and get credit for them. After all, it is an important and popular function which the police typically do well.

Deployment and organization

Deployment. Current police deployment strategy is based heavily on overt, reactive patrol: About 60 percent of the resources of most police departments are committed to patrol, and most of that to uniformed officers riding the streets in clearly marked cars. In addition, most police departments devote 10 percent of the resources to a detective unit engaged in retrospective investigations of criminal offenses. The rest of the resources are devoted to other tasks such as vice squads, juvenile units, narcotics division, and so on.[14]

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This strategy is consistent with a focus on serious crime and a strong interest in evenhanded, non-intrusive policing. The capacity of patrol to thwart crimes through general deterrence, and their capacity to respond quickly to calls for service, are assumed to control crime; when deterrence fails and the police force arrives too late to catch the offender, the detectives take over to solve the crime. The enforcement effort is even-handed because patrol surveillance is general, and because anyone, for the price of a phone call, can claim services. And modern policing is non-intrusive in that intensive investigation begins only after a crime has been committed and focuses narrowly on the solution of that crime. Thus, the decision made in the mid-1800s to make public policing a patrol and detective activity, rather than a system of preventive policing, carries on until today: The police skim the surface of social life.

Given the success of this deployment in protecting important social values, it is not surprising that it has been widely utilized. Still, this deployment has internal contradictions as a crime-fighting strategy, to say nothing of the limitations as a device to draw the community into a closer relationship with the police. One basic contradiction has already been noted: In the vast, anonymous cities of today, this deployment apparently fails to deter crime or apprehend offenders. A second difficulty is that once an overt patrol force is made available to citizens at the price of a phone call, officers will be involved in much more than crime fighting. The commitment to "accessibility" then conspires to defeat the narrow focus on crime fighting: We end up with police forces that invite more citizens' requests than can be handled, then frustrate them by failing to take some calls seriously, and finally fail to control crime.

It is now time for police executives to reconsider their deployment strategies. The enormous investment in telephones, radios, and cars that now allow the police to respond to crime calls in under five minutes (often with more than one car) has bought little crime control, no greater sense of security, and has prevented the police from taking order maintenance and service functions seriously. To the extent that victim services, order maintenance, and a general community presence are valuable not only in themselves, but also as devices for strengthening crime control and building the police as a popular community institution, it is crucial that police executives get some of their officers out of cars and away from dispatchers at least some of the time. Some recent evidence suggests

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that foot patrol *does* promote a sense of security, and also reduces calls for service. Apparently cops on the beat can deal effectively with many citizen complaints.[15]

For "crime fighting," other tactics may be appropriate and effective. Special decoys or stake-outs targeted at muggers and robbers may be more effective in controlling such offenses than random patrol. Similarly, if current evidence about the large number of offenses committed by a small number of offenders turns out to be correct, it may make sense for the police to develop intelligence systems for "street crimes" similar to those used in combatting organized crime and narcotics traffic. It is even possible that expanded use of informants would be possible. Obviously these methods are more intrusive and proactive than the current deployment, but they may be tolerable if they prove to be effective, and if they enjoy the support of local communities.

Departmental organization. Most police departments are currently organized along functional lines: There is a patrol division, a narcotics bureau, a youth division and so on. This structure is consistent with many reform ambitions: It allows for convenient reallocation of resources across the city to respond to changing circumstances; it promotes the development of specialized expertise; and, most importantly, it strengthens the control police chiefs have over their subordinates. The alternative scheme is to organize along geographic lines, giving area commanders responsibility for all police operations within a given geographic area. This geographic organization would also make the police department policy-making and operations more accessible to citizens in the community because the area commander would have both the interest and the capacity to respond to local requests.

Geographic organization was the traditional form attacked by the reformers because precinct-level politicians had become too powerful and had bent the police to their corrupt purposes. It was preferable, the reformers thought, to organize in a way that moved power towards the chief (and those who influenced him) rather than leave it in the hands of precinct captains vulnerable to local political machines. The functional organization served these purposes; but there was a price to be paid. Local community groups such as PTA's, merchants associations, block associations, churches, and individual citizens frightened by crimes—all no longer organized in political machines—now have no one to turn to in the local precinct. There is the precinct commander, but his direct authority typically extends only to the patrol division, and he feels more

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responsible to those "downtown" than the citizens of the community. There may also be a "community relations officer," but his authority usually extends nowhere. It is no wonder, then, that citizens who have interests and problems different from those of the city as a whole feel abandoned by the police. If police executives wish to cultivate stronger political support from local neighborhoods, they should consider a more geographic division of responsibilities, shifting more power to local precinct commanders, or even to lower levels in the department such as lieutenants or sergeants who could serve as lenders for "team policing" units. Again, the point is that the police must become more visible and active in neighborhood affairs.

A post-Dragnet era?

Police strategies do not exist in a vacuum. They are shaped by important legal, political, and attitudinal factors, as well as by local resources and capabilities, all factors which now sustain the modern conception of policing. So there may be little leeway for modern police executives. But the modern conception of policing *is* in serious trouble, and a review of the nature of that trouble against the background of the American history of policing gives a clear direction to police forces that wish to improve their performance as crime fighters *and* public servants.

The two fundamental features of a new police strategy must be these: that the role of private citizens in the control of crime and maintenance of public order be established and encouraged, not derided and thwarted, and that the police become more active, accessible participants in community affairs. The police will have to do little to encourage citizens to participate in community policing, for Americans are well practiced at undertaking private, voluntary efforts; all they need to know is that the police force welcomes and supports such activity. Being more visible and accessible is slightly more difficult, but hiring more "community relations" specialists is surely *not* the answer. Instead, the police must get out of their cars, and spend more time in public spaces such as parks and plazas, confronting and assisting citizens with their private troubles. This is mundane, prosaic work but it probably beats driving around in cars waiting for a radio call. Citizens would surely feel safer and, perhaps, might even be safer.

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ENDNOTES

[1] See T.A. Critchley, *A History of Police in England and Wales*, (London: Constable and Company, Ltd., 1967).
[2] Critchley, pp. 19-20; Sir Leon Radzinowicz, *A History of English Law*, Vol. 2, (London: Stevens and Sons Ltd., 1956), p. 289.
[3] Radzinowicz, Vol. 2, pp. 271-273.
[4] Radzinowicz, Vol. 3 (1956), p. 539.
[5] Critchley, p. 51.
[6] David R. Johnson, *Policing the Urban Underworld*, (Philadelphia: Temple University Press, 1979).
[7] Critchley, p. 54.
[8] Robert Fogelson, *Big City Police*, (Cambridge MA: Harvard University Press, 1977), Chapter 1.
[9] O. W. Wilson and Roy Clinton McLaren, *Police Administration*, Third Edition, (New York: McGraw-Hill, 1983).
[10] G. L. Kelling, T. Pate, C. Dieckman and C. E. Brown, *The Kansas City Preventive Patrol Experiment*, (Washington, D.C.: Police Foundation, 1974); J. F. Schnelle, et al. "Patrol Evaluation Research: A Multiple-Baseline Analysis of Saturation Police Patrolling During Day and Night Hours," *Journal of Applied Behavior Analysis* 10, no. 1.
[11] William Bieck, *Response Time Analysis*, (Kansas City Police Department).
[12] Peter W. Greenwood, Jan M. Chaiken, Joan Petersilia, *The Criminal Investigation Process*, (Lexington MA: D.C. Heath and Company, 1977).
[13] *Uniform Crime Report for the United States, 1980*, (Washington, D.C.: U.S. Department of Justice, 1981), p. 180.
[14] *Survey of Police Operational and Administrative Practices–1981* (Washington, D.C.: Police Executive Research Forum and Police Foundation), pp. 22-24.
[15] *Newark Foot Patrol Experiment*, (Washington, D.C.: Police Foundation, 1981); Robert C. Trojanowicz, "An Evaluation Report: The Flint Neighborhood Foot Patrol," unpublished; Dato Steenhuis, paper presented at American Society of Criminology Annual Meeting, November 5, 1982, Toronto, Canada.

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Towards a self-service society?

NATHAN GLAZER

PERHAPS nothing so clearly indicates the possible future shape of the welfare society than the surprising convergence, in at least one respect, of the proposals of two such disparate regimes as the Socialist government of France and the right-wing Republican government of the United States: Both have committed themselves to a substantial degree of decentralization or devolution of central governmental powers. The hallowed tradition of prefectoral government in France is due for substantial overhaul and change, giving greater powers to locally elected executives and legislatures. The enormous structure of central government grants to state and local government in the United States is already undergoing substantial overhaul.

It is not likely that the most radical proposals of the Reagan administration will find favor in the eyes of Congress, or that a number of major income-tested benefits—aid to families with dependent children (welfare), food stamps, and social services, all of which

Editors' Note: *Our symposium on "the future of the welfare state," begun in the Fall 1982 issue, will conclude in the spring with articles by Leslie Lenkowsky on defining poverty, Clifford Orwin on the idea of dignity, and Jeremy Rabkin on courts in the welfare state.*

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involve some mix of federal and state and local powers, whether in source of funds, in law and regulation, or in administration—will be returned to the states, as President Reagan suggested in his 1982 State of the Union message. Nor is it clear that French proposals for decentralization are moving forward very rapidly. Nevertheless, the fact that such proposals are made, both in the United States and in France, tells us something, and it is not insignificant. The decentralization proposed by the Reagan administration, in the first budget that is solely the product of the new administration, was matched in weight by the proposals of the Mitterand government. As a correspondent of *The New York Times* wrote last winter:

> If nationalization has attracted the controversies and the headlines, the biggest potential change that the Socialists aim to introduce is to bring about decentralization, giving to locally elected officials and assemblies a portion of the political and economic power that flowed to Paris over the centuries. The decentralization of power in France, in fact, may be the most fundamental and paradoxical impulse in the political current that won last Spring's elections.[1]

These proposals tell us something, but what that something is will be disputed. One thing is clear: The new decentralization proposals have little to do with any drive for simple *administrative* efficiency. This has been one argument for decentralization, both of government and of major corporate enterprises, for a long time: Give the administrator closest to the operations greater freedom and he will work more effectively. Or, in other words, the overall aims of the organization will be better accomplished if administrators further down the line are given greater authority. This purely administrative objective of decentralization has little to do with the present proposals. Their aim is not to *increase* the authority of lesser, centrally appointed administrators, but to *reduce* it; they seek to increase the power and weight of people outside the administrative chain altogether, those on whom administrators operate—whether they be beneficiaries, clients, the "people," the public, or the taxpayers.

And whether or not these large-scale proposals come to fruition, we are also being told that, at the crudest level, such measures are seen as politically popular. From the point of view of the future of social policy, this suggests a good deal of discomfort with the long-received view that central administration and national rules are in various ways more desirable than local variation. At the

[1] Richard Eder, "Mitterand's Modest Revolution," *The New York Times Magazine*, February 7, 1982, pp. 66-67.

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level of political philosophy, this suggests that there is growing discontent with the capacities of a centralized government to manage effectively, efficiently, or equitably the vast range of social services that have become a major part—indeed *the* major part—of the activities of government.

Clearly there is little discontent evidenced with certain traditional functions of central government. No one is suggesting that the armed forces be decentralized, that the central bank be disestablished, that management of customs and tariffs be decentralized. The thrust toward decentralization affects for the most part the greatly expanded *newer* functions of central government, its social policies.

The ideological roots of decentralization

Admittedly one will find very different ideological backgrounds to these two similar movements. But both share much in common in rejecting arguments, from different sources, for the efficiency and justice of centralized government ruling over local powers. In France, we have the Jacobin and plebiscitarian traditions, according to which the people's will is enthroned in one central act of revolution or assent. Historically, in this tradition one could not argue with the fact that the "people's will," centralized in government, happened to express itself through bureaucracy and prefects distant from the people. But now this argument is made. As Mr. Eder writes, there is now a split among Socialists, and among the French as a whole, between:

> . . . the impulse to centralize and concentrate, and the longing to decentralize and escape concentration. . . . One part of the Socialist tradition, the older, thinks in terms of using concentrated government power to break up big private interests and impose a change of society. But the millions of young Socialist voters, and the school teachers and bank clerks they sent to fill the benches of the National Assembly . . . , think in quite different terms.
>
> They belong to the generation that took to the streets in 1968. Their lives, or at least their heads, have been nurtured on social and personal experiment, the ecology movement, and community action, emerging—in approximately equal measure—libertarian, intolerant and with a rooted distrust of bigness.

The thrust toward decentralization in the United States draws from other roots, deeper in American political traditions: the federal origins of the American commonwealth. But it also gets occasional grudging approval from the rebels of the 1960s and 1970s,

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who are excluded from the Reagan coalition. The United States has no revolutionary or plebiscitarian tradition arguing for strong centralized government. The support for the development of strong central government in the United States has come from the progressive reform movement of the last decades of the nineteenth century, and the first half of the twentieth. This progressive reform movement turned against the exotic efflorescences that had come to the fore in American local government—the various elected boards, the numerous wards electing their own representatives, the excessively large local councils—and demanded simplification, along the model of the efficient American corporation. In many cities, all lesser elected authorities were swept away to be replaced by one small elected board which appointed a city manager to manage, in corporation style, the affairs of the city. In other cities, they were replaced by a strong mayor with one council. All during the twentieth century, indeed until the mid-1960s, proposals for city reform generally followed this progressive tradition, making the mayor or the board of supervisors stronger. Let the people's will be expressed by electing executives *with power*, it was said, and then let the executives act. The strong mayor, elected by the people, was to have the power to implement the people's will, as against the independent school, police, health, and other independent boards operating specific city functions. If the mayor failed, he could be turned out; if he succeeded, he could be rewarded by reelection. Power being centralized, responsibility would be centralized. Similarly, the federal government was favored over the states by reformers. This was the modest American equivalent of revolutionary democratic plebiscitarianism. Progressive reformers saw little virtue in maintaining the separation of powers called for in our national, conservative Constitution.

Thus both in France and the United States there were arguments that defended centralization, even if the political history that had led to them, and the ideological origins of the arguments defending them, were quite different.

A "community-control" consensus?

The 1960s brought a change on the local level in the United States, a change that has now spread to the national level. For the first time the intellectual elite and the liberal national media abandoned the arguments of progressive reformers in the 1960s and supported demands for *decentralization* of city functions. In aban-

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donment of a sixty-year-old position, it was now argued that the education of city children was *not* best accomplished by a strong central board of education, appointing, in corporate management style, a strong superintendent. The specific interests of black children, and other poor children, required input from parents, community leaders, and the children themselves. The experts of centralized local government could not be trusted. Decentralization schemes of one sort or another were then put into effect in various cities, and advisory boards of parents, community leaders, and even students, flourished. And so with other functions of city government: One big city hall was to be replaced by many little city halls.

This development was encouraged by the ferment of the poverty programs, in which reformers in the Johnson administration combined with local groups of the black and the poor to undermine the power of mayors, city councils, and state governors and legislatures. New elected bodies were created in the communities to dispose of money that came to them directly from the federal government, rather than through city hall and state capital. Almost every piece of federal legislation that provided for specific social services during the 1960s and 1970s—and the legislative machine of central government did not stop grinding out new programs until well into the 1970s, regardless of the skepticism of Republican presidents—also required the establishment of advisory groups which included the beneficiaries of these programs or their representatives. The progressive reform impulse, which had sought to create an independent and powerful executive responsible to the elected officials, withered; the restrictions on executives became more and more complex, owing in large measure to the desire to "empower" clients and beneficiaries. Public executives were continually challenged by beneficiaries and clients, and, with the support of the courts, became hobbled.

When the slogans of "black power" or "power to the people" were raised in the United States in the 1960s—and were in large measure implemented as the poverty program and the model cities program required elected bodies representing the poor to be created in the large cities as a condition for receiving Federal grants—they were a demand from the left. The rhetoric of "black power" borrowed from the movements against imperialism, and, through them, from traditional socialist and communist denunciation of a central power seen to be dominated by capitalists and capitalism. The more moderate slogan used to demand local control of schools, "community control," was also seen as coming from the left. And yet

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there always was an ambiguity in the "community control" slogan. It was, after all, "community control" that the South fought for when it defended segregated schools, and that the North defended in opposing busing for desegregation, and it was "community control" that well-to-do suburbs in the United States possessed and retained. People, aside from blacks and poor, found the concept, if not the specific slogan, of "power to the people" attractive.

By the second half of the 1970s the notion of "power to the people" no longer could be characterized as "left" or "right." It represented a general disillusionment with big government that encompassed the entire political spectrum. Peter Berger and Richard Neuhaus appropriated the concept of "power to the people" in their pamphlet, *To Empower People*, published by the conservative American Enterprise Institute. As had the earlier "black power" and "community control" advocates, they also argued against unresponsive and inflexible central governmental bureaucracies. They were as critical of them as the earlier leftist critics had been, and they were able to transfer the emotional charge in the notion of "people's power" so that it could now be used from the right —and as effectively as the left had used it in the 1960s. It is an intriguing development, and not a matter of the inappropriate capture of a term by those who mean its opposite (as in the case of expropriation of "democracy" by undemocratic communist regimes through sheer weight of rhetoric and propaganda). For the discontent with powerful government is felt by people with greatly different amounts of wealth and power. What they would concretely want to do to lift this weight does vary considerably, for people's interests depend on their circumstances. But almost everyone feels the problem of big government, and at least nourishes the hope that it can be brought closer, and made more responsive, to people.

The eclipse of expertise

In the 1960s, the formal aspects of democracy—elections, representation, the judiciary—were attacked by the left under the slogans of "power to the people," or "black power," or "community control." The left is now joined by groups on the right who also want to get out from under the "one big system," the "one big program," to pursue diverse individual and community goals. It now seems to be generally recognized that elections are no longer sufficient to ensure a popular role in government. When govern-

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ment does so much to affect people's lives and livelihoods, they demand a more continuous representation and influence—and this can be wielded in many ways.

Those who demanded "power to the people" did not themselves necessarily represent those for whom they claimed to be demanding power. Nor did the devolution of power to lower levels automatically provide greater satisfaction, or a better solution to the problems for which power was being wielded. One cannot say community control "failed" or "succeeded" in the United States. The experience was so varied that it was not possible to pronounce any overall judgment. But one thing was clear: Whatever the failures of community control and community participation, whatever the modification of the new procedures built on the slogan of more power to the people, the thesis that had characterized the old progressivism (with its enthronement of the strong mayor, the single powerful board, the strong Federal government, and the wisdom of the experts they selected) never returned. Community control and participation may not have been a great success, but they led to no desire to return to a situation that is seen as even less desirable.

And so, in the United States, a superintendent of schools is no longer seen primarily as a non-political expert to whom deference is owed. He has to satisfy his constituency—a difficult matter when it is generally so fiercely divided on questions of progressive versus traditional educational techniques, sex education, and racial integration. His life is harder, and he lasts for a shorter time. He was always a politician—someone who had to make use of available people and resources to achieve an end—but he once did so with the aura of the nonpartisan professional expert. This is no longer true.

Similarly, while doctors still receive respect for their skills, they are no longer dominant in the argument over the management of health resources. Indeed, even their skills in maintaining health are now subjected to sophisticated criticism, as we find out how much illness is caused by doctors, drugs, and hospitals, and how much good health care can be affected by strong families, friendships, and traditional networks generally.[2]

The decline of perfect faith in experts in education and health

[2] See Lowell S. Levin and Ellen L. Idler, *The Hidden Health Care System: Mediating Structures and Medicine*, (Cambridge, MA: Ballinger Publishing Company, 1981.) This is part of the American Enterprise Institute series on mediating structures initiated by Peter Berger and Richard Neuhaus.

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is matched by a decline of faith in experts in a third great branch of social policy: welfare. In the United States in the early 1960s, policies on welfare assistance—public assistance to the destitute—were dominated by experts. Welfare recipients were expected to decline in number as social insurance policies came to maturity, but instead their numbers rose. Widows and their children, who it was expected would be supported by social security, were then joined by increasing numbers of mothers of children whose fathers had not died prematurely, but who had left them or never lived with them. This created the famous "welfare problem" which the United States has now been struggling with for about the last twenty years.

The first major reform to deal with this matter, instituted in the administration of President Kennedy, was entirely dominated by social-worker experts who urged an increase in services. A new wave of experts dominated the proposed reforms of the early Nixon administration, as the social workers were thrust aside by the economists who wanted to change from a system based on assessment of resources and needs, to an income maintenance program with subtly graduated incentives that would encourage work and discourage family abandonment. This reform failed to be adopted, but a similar proposal was revived in 1977 by the Carter administration. But by this time reports from major income maintenance experiments cast doubts on the possibility that *any* feasible guaranteed-family-income type of program would assist in family stability, or could be reconciled with the need to maintain incentives to earn in the labor market. When the Reagan administration took office, it called upon no expert advice from social workers, economists, or sociologists. Cuts in levels of support and increased compulsion to work—either by lowered benefits or direct requirements—are now favored. The eclipse of the social workers as experts on welfare and family policy is almost complete.

In each area, admittedly, disillusionment with experts takes a different form. In education, it takes the form of distrust of the professionally qualified teacher or principal, and a greater willingness to entrust education to schools that represent the values of distinctive cultural, ethnic, religious, and geographic communities (even if their administrators and teachers are less well qualified, or the physical facilities are not as extensive and well-equipped as those of the public facilities). Indeed, there is even a movement to return decisions over education to the parents of individual children. Thus there are now organizations that assist parents in educating

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their children at home, even though this places parents into difficulty with laws requiring school attendance. There is a more widely based movement, drawing support across the political spectrum, for education vouchers which would allow parents to use public funds to finance their child's education in any school, public or non-public. And there has been a recent and surprising growth of a variety of private schools.

In the field of health care, distrust of experts takes the form of a range of self-help groups for various ailments (alcoholism, obesity, mental health problems), the greater involvement of parents, lay practitioners, and midwives, in child birth, as well as a burst of malpractice litigation. In the field of welfare, distrust of experts has taken the form of stricter enforcement of requirements, but also includes the hope of a greater use of voluntary groups and of mutual assistance to deal with those who became dependent on welfare. Efforts at centralized reform at the federal level, based on subtly graduated incentives and theoretically based schemes, are being replaced by greater willingness to let each state—and, depending on state rules, each community—manage things its own way, with exhortations for voluntary groups to play a larger role.

Decentralization is only one of the themes that suggest a surprising disillusionment with the capacities of a central state, utilizing experts and advanced techniques, to provide a wide range of social services to its citizens; other social policy developments in the past decade speak to the same concerns. Thus we see growing demand for participation in social policy—whether formulation, implementation, or the direct provision of services—through committees of lay individuals, either beneficiaries or citizen representatives. We find a growing concern with "accountability," a term that is itself fairly new in its application to the social services. There was a time when only the elected official was expected to be accountable; now the teacher, the policeman, the doctor, and the social worker must all be "accountable." The mechanisms of accountability have created endless difficulties as they confront the realities of professionalization and the need for many social service professionals working directly with ordinary people to exercise a vast range of discretion.

Another response to dissatisfaction with central government services is proposals for "privatization." This can be taken to mean the use of the market, and market-disciplined services (in other words, profit-making services), to take up functions in health, housing, and education in competition with public services formerly

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seen as more appropriate and efficient providers in these areas. "Deinstitutionalization" might also be seen as part of a growing dissatisfaction with the big and the centralized. This refers to the reduction in size, or actual closing, of institutions for juvenile delinquents, the mentally ill, and the mentally retarded, and their replacement by treatment in the community; the latter inevitably means much smaller establishments, indeed often no larger than what can be accommodated in a normal-sized apartment or single-family home, and also implies the use of less professional service providers, community organizations, and lay volunteers.

The turn from "national solutions"

The political consensus of the 1960s, that all that was necessary was to further extend and complete national systems under the aegis of central government, has now been replaced. What then is responsible for this explosion of new approaches to social policy?

The most widely noted cause—and no one would dispute it—is the concern over the seemingly unmanageable growth in cost of public social services. If the costs of pensions for the aged threaten to become an unmanageable burden, perhaps one can make better use of private sector pension plans to supplement a more modest government minimum; this would have the additional advantage of encouraging an increase in the level of savings, seen as necessary in the United States and the United Kingdom because it is now too low to support the proper level of investment for modernization of the economy. If subsidies for publicly built housing become enormous, perhaps a rent supplement leaving the poor free to seek the housing that satisfies them might reduce costs and provide as much or more satisfaction. If health costs become frighteningly high, perhaps competition can be arranged among health-maintenance organizations or proprietary (for profit) hospitals; or perhaps other for-profit health services could provide some services more economically than do public agencies (though on that score there is much skepticism). Market-oriented thinkers, driven by concern for public costs, have even gone so far as to propose private prisons: Imprisonment is enormously expensive, and there is a strong need for the building of new prisons at great capital cost. Would private prisons help? Perhaps.

I would like to emphasize two other reasons for this development which have been less noted. One is the growing personal affluence that, paradoxically, has accompanied growing pressure on

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WHITHER THE EUROPEAN WELFARE STATE?

The welfare state, which was born and bred in northern Europe, is now facing its most serious challenge—in its very birthplace. The main threat to the welfare state is posed not by mean-minded conservatives, some of whom have a tenuous hold on power, but by the sheer cost of maintaining welfare programmes at a time of little or no economic growth. Rising unemployment has more than doubled the cost of unemployment benefits in many countries. The fast-growing number of old people—who cost far more than younger people to keep healthy—has sent health spending soaring.

In **Britain**, *if no welfare changes are made, and economic growth is sluggish, the share of GDP devoted to state spending could shoot up from the present 45% to 60% by 1990.*

The Thatcher government has already had to make some cuts in welfare spending: earnings-related unemployment benefits have been abolished, and all unemployment benefits have been cut by 5% in real terms. Welfare benefits and the health service together now cost £50 billion a year and account for 40% of the British government's spending, against only a third in the late 1970s.

The Socialist government in **France** *has agreed to a surprisingly severe programme of cuts. From 1983, French welfare payments will be linked to the current inflation rate, not to that of the year before. The government hopes that this change will save £1.2 billion next year. Hospital patients will from now on have to pay for food and other non-medical services. Frenchmen who retire early will have to pay the standard level of social-security contributions instead of the reduced rate which they have to pay in the past.*

In **West Germany**, *the new labour minister, Mr. Norbert Blüm (who comes from the trade-union wing of the Christian Democratic party), rejected proposals from his own party to cut unemployment pay and maternity benefit. However, he has agreed to delay rises in pensions, due at the start of 1983, until next July; and from July on pensioners will have to pay sickness insurance contributions. From the beginning of the next academic year, all student grants will be repayable in full once the student starts to earn his living.*

Holland, *which has long prided itself on one of the most generous welfare states in Europe, is embarking on a savage cutback. The Christian Democrats are prepared to freeze all social-security benefits in 1983 (saving the Dutch treasure £515m) and to make further specific cuts in selected social-security benefits and health-care services, to save another £350m. These changes are expected to shut down some hospitals in big cities.*

South of the dike, in **Belgium**, *the story is much the same. It is now planning to cut the number of hospital beds by 25%, arguing that there is over-capacity in Belgian hospitals. Family allowances have been reduced "temporarily"; payments to doctors and health workers under state-backed insurance schemes have been frozen for two years; and a proposal is being discussed to phase out family allowances for the first child in a family.*

In Scandinavia, **Denmark** *has embarked on equally radical changes. The new right-of-centre coalition has submitted a plan to abolish the indexation of all wages, salaries and transfer incomes. The government hopes to cut public spending by about 7% next year, almost entirely at the expense of social welfare programmes. Unemployment benefits are to be reduced from 90% of wages to 80%; parents' payments for day nurseries and kindergartens will go up sharply; and sickness benefit is to be abolished for the first day off work.*

—The Economist
October 16, 1982

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public funds. This personal affluence leads many to believe they could manage the education of their children, their own health, or their own housing, more effectively and with greater satisfaction by allocating their own funds to a range of competing organizations (public and private) rather than through paying taxes. This is the interesting argument of, among others, Arthur Seldon of the Institute for Economic Affairs. He suggests that, in contrast to the period of the origins of the welfare state, when only the rich could protect themselves from the accidents and disasters of an industrial society, and the great masses needed state insurance or a basic minimum of protection provided by the state, increasing numbers of people can now manage for themselves. He summarizes his argument by asserting that:

> . . . the welfare state is withering away because it is being undermined by market forces in changing conditions of supply and demand for education, medicine, housing, pensions, and lesser components of "welfare". . . . [As a] proposition from everyday empirical observation . . . consumers are increasingly able to pay for, and will therefore demand, better education, medicine, housing and pensions than the state supplies, and than suppliers are increasingly able to provide alternatives in the market.[3]

He points, for example, to the fact that there is an increasing shift in England to home ownership, now widely seen as more desirable than council tenantry in subsidized public housing. In the United Kingdom, as in the United States, there is an increasing problem of filling housing designed for the poor: Though well built and subsidized, much now stands empty. It is true that the United Kingdom has led Europe, and the United States has perhaps led the world, in providing a high standard of housing. Thus they may be in the vanguard of a development that may affect vast quantities of postwar housing built on the Continent as standards rise and people demand more space. It is also true that more than simple demands for amenities have led to the abandonment of housing in the United Kingdom and the United States: There have been poor planning and unexpected migrations. In the United States in particular, issues of crime and changing ethnic composition have led to this phenomenon. But one factor that magnifies abandonment is the availability of better housing in the private sector.

Seldon's argument is strongest in connection with two major state

[3] Arthur Seldon, *Wither the Welfare State* (London: Institute for Economic Affairs, 1981), p. 11.

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services, health and education. He argues that the fact that Britain spends a smaller percentage of its GNP on health than do those countries that have better developed private health insurance plans (and a greater range of non-state health services) does not indicate efficiency and avoidance of waste, which is the common interpretation of the low British expenditure for health. Rather, Seldon argues that since third-party payments always inflate costs, lower expenditures in Britain merely indicate a lower quality and volume of health services, lower than people would buy if they had a free market. He makes comparisons that, to the surprise of this American, favor the United States: Despite our enormous health costs, it seems we get, by certain indices, better service. Seldon also argues that a non-state education system would lead to greater expenditure by individuals than is the case in a tax-supported system, and that education would improve, as well, because of competition and individual choice.

One need not accept this whole argument to see that in a society where the poor are the bottom 10 or 20 percent of the population (and less in Continental countries), tastes in public policy will change. And these tastes may tend toward diversity, variety, and a greater degree of individual choice that will be increasingly difficult for state services to satisfy.

It is worth pointing out, concerning this "self-help" trend, that one effect of the welfare state is that people increasingly must provide common labor services for themselves: Wages have risen too high, mostly because of the increasing level of the minimum state welfare grant, to permit a large class of servants, handymen, helpers, and baby-sitters. This is Assar Lindbeck's explanation of what is happening in Sweden. He writes that the effect of high state expenditures and high marginal tax rates is that "public authorities increasingly take care of *intimate personal services*, while households increasingly take care of *things* like gardening and the repair of houses, durable consumer goods, and the like."[4]

But perhaps technological advance will, in time, permit the management within the family of some social services that are now the province of the welfare state. Consider the argument of Jonathan Gershuny: He sees the increasing incorporation of personal services into the household by means of investment in durable consumer goods such as automobiles, washing machines, tools, and television sets. One wonders whether this domestication of services

[4] "Sweden: The Limits to the Welfare State," *The Wall Street Journal* (September 9, 1981).

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such as entertainment and household management may not spread (perhaps by way of computers?) to education and health and social service. This is one implication of Gershuny's work[5] (though I remain doubtful).

A second unnoted development is mass higher education, which has led to the demand by more people for more participation in government. Senator Daniel P. Moynihan pointed out with prescience almost twenty years ago that political scientists were wrong to suggest that there was "too much" government in the United States—too many states, counties, cities, towns, and special districts—and that American government would have to be simplified by centralization. There has been no feeling in those parts of the United States where the best educated live—the new middle class suburbs—that there is "too much" government; they participate actively and have no desire for a reduced role in government, or for fewer forums in which to exercise citizenship. At the time, Moynihan's argument went against the thinking of most experts who examined American government, but I believe he was right: As education spread, as the average American saw himself to be as good or better than the average social worker, teacher, policeman or government administrator, it was inevitable that he (and, increasingly, she) would demand a greater role in government, and in managing the services government provided. When it came to the social services, this meant a taste for less central government and more local government.

Barriers to independence

This is the background against which we should view the development of social services in the 1980s. Central government today believes it should be capable of satisfying all human needs and all public demands—*even the demand for less central government.* (Decentralization proposals are one such example.) But perhaps the easiest way to satisfy this demand is for central government to stay out of the way of those voluntary services and programs that arise without governmental assistance to satisfy some need of individuals or communities. This appears to be easy for government to do at a time (and what time is different?) of increasing pressure on governmental resources.

But there are all too many cases in which such activities have

[5] Jonathan Gershuny, *After Industrial Society? The Emerging Self Service Economy* (London: Macmillan, 1978).

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attracted governmental subsidy—and have suffered thereby. In part this is a matter of government seeking to do more, because legislators want to show enterprise, and because government executives like larger budgets, staffs, and functions. But of course it is also true that, at a time when government does so much, those who carry on important functions without governmental assistance look enviously on the opportunity to attract government funds provided effortlessly (to the agency and recipient) through the tax levy. Understandably, any group prefers a ready source of funds and staff to scrounging for them. But case studies of government support of voluntary groups suggest that access to government resources has been accompanied by a decline in their ability to provide satisfactory services. Three examples from the United States and Canada are of interest.

(1) For some 25 years or more, old people limited in their ability to cook for themselves or go out for meals have been benefitting from "meals-on-wheels" programs in the United States (and undoubtedly elsewhere). These programs have expanded because the numbers of the old have risen and because more of them can now afford to live alone in their own homes and apartments, rather than with children or in institutions. (Thus we see how an improvement in one area—the financial circumstances of the old—creates a need in another.) There are hundreds, perhaps thousands, of such programs in the United States. They are small; they rely on volunteers to cook and deliver the meals (often using their own cars and gasoline); they are sponsored by churches and other voluntary organizations; they depend on local contributions for the cost of food and whatever paid staff they use; and they generally charge for the meals but provide them free for those who cannot afford to pay. All in all, they provide a useful and economical service.

In 1978, Congress voted to provide such programs with Federal assistance. The Federal government already funded "congregate nutrition services" (meals provided in a central place) for the elderly; it would now add meals-on-wheels. Michael P. Balzano has analyzed Congress's action, and pointed to a host of potential difficulties for the meals-on-wheels programs. There is already a mass of regulations that apply to "congregate nutrition services," which are much larger than meals-on-wheels programs; the same or similar regulations will undoubtedly apply to meals-on-wheels. Among other things, these regulations require: that each service must provide more than 100 meals daily, that they provide auxiliary social

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services to meals recipients, that they cooperate with area-wide comprehensive planning agencies for the elderly, that they train their staffs and send them to seminars provided by the Administration on Aging, that they provide evidence the areas they work in have suitable concentrations of the aged poor, and that they have full-time directors. When one realizes that meals-on-wheels programs are small, use volunteers, are unacquainted with elaborate paperwork and regulations involved in qualifying for Federal assistance, one sees the difficulties they will have.

Other requirements foreshadow difficulty. For example, nutrition education must be provided—this to persons who have been used to cooking and providing for themselves all their lives. A project council must be organized, and there are elaborate regulations as to how it must be constituted and what its powers will be. The project must give employment preference to persons over sixty and members of minority groups. Projects "must be located in facilities where the eligible individuals will feel free to visit," so as "not to offend the cultural and ethnic preferences" of eligible individuals. Yet many of the meals-on-wheels programs are centered in a Catholic church, or a Jewish synagogue, or an ethnic community organization—and are designed for the people of that community. Another regulation specifies in detail what a government-funded meal must consist of (which can scarcely take into account regional or ethnic tastes).

These are the kinds of regulations one expects from a government program, and all, in the abstract, are good things; but in combination they make it difficult for the small meals-on-wheels programs to qualify. Of course, these groups can ignore government largesse and continue as they are. But even this raises difficulties: Larger, better-funded government programs (and the existing, larger-scaled congregate-nutrition programs are eager to expand into this new field), may take away their clientele, provide salaries to their volunteers, and altogether undermine the existence of the small, voluntary, inexpensive programs. In some sense, they may provide better services, but one suspects at a much higher cost, as government workers replace volunteers.

(2) A second example, also suggestive rather than decisive: Robert Woodson describes the history of a voluntary program begun by a charismatic Philadelphia couple, Falakka and David Fattah (blacks who took African names), to house black youths and rescue them from a life centered around fighting gangs, and to give them, in an authoritarian family atmosphere, the habits of

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responsible work. As their project became well known, state agencies became interested in referring to the Fattahs youngsters in trouble because of juvenile delinquency, or without responsible homes in which they could live. Public funds thus became available to their small and successful enterprise, the "House of Umoja," which previously had been entirely dependent on what its young residents could earn, what its founders could provide, and what local churches and merchants would offer. As Robert Woodson reports, this led to new difficulties:

> With salaries came differential pay scales and a regular forty-hour work week. [All the residents of the house had been required to work, but now some became state employees, engaging in counselling and services, previously voluntarily performed.] Umoja residents could not understand why, if all were members of a family and therefore equally favored and equally responsible, it was necessary to pay some more than others. . . . The first state evaluation claimed that David Fattah's contribution was not essential to the overall performance of the Umoja program, and recommended that his position be eliminated. David, who is the father of the house, spends most of his time in the streets helping to resolve gang disputes. . . . [T]he state also raised questions about Umoja's board of directors, which is made up of the Fattahs and their six sons. The state contended that the board of directors should be broadened to include other elements of the segments of the community. . . .

Woodson also reports that the conflict between state rules and this neighborhood group increased when the state required that a full-time social worker be employed by the House of Umoja:

> His first act was to organize group therapy sessions, with himself as therapist and group leader. This proposal met with immediate resistance by the Umoja family. . . . In another instance the social worker attempted to gain confidence and trust from some of the youngsters by suggesting that house rules be changed to increase allowances. He was chided by house leaders and informed that youngsters could receive additional income only if they performed an additional chore.[6]

All these were certainly reasonable state requirements, but they are at variance with the authoritarian atmosphere of a group devoted to inculcating traditional values—a group which had been extraordinarily successful in keeping youths out of trouble, and was of interest to the state for just this reason.

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[6] Robert L. Woodson, *A Summons to Life: Mediating Structures and the Prevention of the Youth Crime* (Cambridge, Mass.: Ballinger Publishing Company, 1981) pp. 59-60.

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(3) The best researched example of the potential negative effects of public funding on voluntary programs is the research of Donald A. Erickson of the graduate school of education at the University of California at Los Angeles. He looked at the impact of a new program of provincial funding to private schools, sectarian and non-sectarian, in the province of British Columbia, and found, according to a summary of his work, that:

> . . . the Canadian province's program has brought a variety of problems to participating private schools; among them:
>
> —Increased regulation by the province, with accompanying paperwork.
>
> —Less enthusiasm among students for their teachers, classes, and school, and loss of the students' sense that their schools are in some way 'special.'
>
> —Less responsiveness by the schools to parents, and more to the province, and less involvement in school affairs by parents who begin to see the schools as belonging to the government, not to them.
>
> —Teachers who are much more concerned about pay and fringe benefits than before; the researcher calls this a 'union mentality.'
>
> —A dependence on the new funds that could result in financial disaster for the schools if they are removed. . . .
>
> Mr. Erickson suspects that the social climate that distinguishes independent schools from public schools has 'deteriorated' because of the inflow of public money.
>
> He argues that the financial jeopardy the aid alleviates often contributes positively to the climate of independent schools—conversely, the loss of that climate of jeopardy weakens the parents' sense that they 'own' the schools.
>
> When public money is not available, he said, everyone involved in the school has an additional incentive to perform well. Because the survival of the school is directly dependent on satisfied clientele, teachers and administrators are more responsive to parents.
>
> 'When a private school is short of money,' he said, 'it appears that people pull together as a result. Teachers, viewing the financial sacrifices of parents and the conscientiousness of students, redouble their efforts.'[7]

These are three examples of social, health, and educational services that were developed without the assistance of government—and, at least in one case, because of dissatisfaction with govern-

[7] "Public Aid Hurts Canadian Private Schools, Report Suggests," *Education Week* (December 21, 1981); see, too: Donald A. Erickson, "The School as a Mediating Structure: Some Concerns about Subversion and Co-optation," in *Church, State, and Public Policy: The New Shape of the Church-State Debate*, edited by Jay Mechling (Washington, D.C.: American Enterprise Institute, 1978.)

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ment's ability to deal with distinctive values—and later experienced problems due to governmental assistance. A "substitution effect" came into play: Volunteers provided less assistance, contributors less money, and workers less commitment. A bureaucratic effect also came into the picture: Rules that required uniformity, better conditions for government workers, and professional standards, both hurt services and raised costs.

We have seen these effects operate on a greater scale in the United States with the creation of third-party health payment systems for the elderly and the poor: Costs have zoomed far beyond any projections, and far beyond any parallel increase in actual services provided, or their effectiveness. Free or inexpensive care once provided for the elderly or the poor is now reimbursed at full (or close to full) costs to providers by the insurers and the government. It is interesting to think through the value of this substitution. Certainly its value to doctors is clear—their income goes up because all their time in providing medical service to the poor is now reimbursed. Hospitals can increase staff, and pay them more. And the poor now have assured services not dependent on charity (though from various accounts they are apparently treated by doctors and staff as if charity were still being provided). How do we draw up the balance? It is enormously difficult. It may be good for the souls of doctors that they provide medical service free to the poor. But is it good for the souls of the poor that they must request and take charity?

There are two traditions at war here within the social services. One emphasizes rights independent of income. Everyone should have the same rights to education, health, and social services, and to ensure these rights government should put everyone on the same level. But can any service that involves a personal and intimate relationship work only on the basis of a market transaction guaranteed by the state? It was Robert Titmuss who, in his controversial study of blood collection services, emphasized the importance of a direct human relationship, an altruistic relationship, a community-based relationship.[8] He argued for this as against the market relationship that existed in the collection of blood in the United States. But one can make Titmuss's argument against a bureaucratic relationship organized by government, too. We are now acquainted with the fact that it is not only the search for profits that leads to the distortion of intended objectives—it is also

[8] Robert Titmuss, *The Gift Relationship: From Human Blood to Social Policy* (New York: Pantheon Books, 1971).

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the search by the providers of service for a comfortable, secure, and well-paid position with government. Titmuss turned his study of blood collection services in England against the market; it can also be turned against government. Both in socialism and in the early arguments for extensive governmental social services there was a failure to see that the government-paid providers of service form an interest group whose interest is not only the provision of better service but also self-interest. In recent years this view been radically corrected: No one can talk about the social services without taking into account the interests of teachers, doctors, nurses, hospital employees, and social workers.

A new role for voluntarism?

We thus have from many sources a serious argument for voluntary services—or at least for non-state action. But if we take a larger perspective, does all this matter? In view of the enormous sums that now flow to government through the tax system for pensions, health, education, and social services of all types, is it pure romanticism to see a role for the non-state sector? This question cannot really be answered, but part of an answer is possible. One can see the emergence of more respect for the voluntary, non-state, and even market sectors in social policy, and one can project a somewhat larger role for them in the future.

It is also true that one must expect very different developments in different countries. How different each is becomes evident from the very interesting book of Ralph M. Kramer, *Voluntary Agencies in the Welfare State*.[9] It is a major work addressed to the problems of voluntary agencies, from a perspective which takes seriously their possibilities as major actors in the social services.

Kramer concentrates on voluntary agencies dealing with the mentally and physically handicapped in four countries—the United States, England, the Netherlands, and Israel. In each the relationship of the state to the voluntary agencies is quite different. The United Sates, as is well known, has a strong tradition of voluntary agencies, and they provide a wide range of services. England has a similar tradition, one as fully developed, although now more seriously undermined by the greater scope of state-provided services. The Netherlands is distinctive in its social divisions into confessional groups which are basic providers of social and educational

[9] Ralph M. Kramer, *Voluntary Agencies in the Welfare State*, (Berkeley: University of California Press, 1981).

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services, but which nonetheless receive almost full governmental funding.

In Israel, a very strong voluntary tradition existed before the creation of the state of Israel. Indeed, what became the state of Israel existed in embryo form as a group of voluntary institutions paralleling a state, but without state power; this was a unique constellation. The voluntary tradition maintained its great power, not only because of this history, but because of important religious divisions, and because religious, trade union, and party groups in Israel were linked with supporters outside the state of Israel.

In Britain and the U.S., the debate about the possible role of the non-state sector in social service delivery is especially intense. Consider this editorial item from the British magazine *New Society*, normally a strong supporter of the welfare state:

> Lately . . . the idea of voluntary service has been making a comeback; and, as with cuts in public service, the process actually began to take real shape under the last Labour government. It was Labour . . . which expanded the housing association movement to provide an alternative to council housing in the rented market. Voluntary organizations have underpinned much of the youth opportunities and job creation activity which began in the late 1970s. But it is the advent of a Conservative government, dedicated to rolling back the frontiers of the state, which has given the voluntary movement real hope for a much larger role in the future.[10]

The editorial goes on to describe a number of recent publications and their arguments for the voluntary nonstatutory sector (an interesting term, rather broader than "voluntary sector," and which presumably includes the market sector). These arguments include such factors as the smaller size of agencies, their local and nonbureaucratic character, opportunities for participation and exchange, and cost-effectiveness. The editorial points out that an expansion of the nonstatutory sector to permit it to take up roles now performed by government would also subject it to the same bureaucratic ills that bother us in government; the editors also urge decentralization and devolution to reap some of the reputed advantages of the nonstatutory sectors. This is a balanced statement, and one that indicates the scale of interest the nonstatutory sector and voluntarism evoke in at least one country aside from the United States. That President Reagan launched an initiative to expand the role of the voluntary sector is understandable; that we should find parallel rumblings in the United Kingdom is more interesting.

[10] "1945 and All That," *New Society* (July 9, 1981): 47, and references there.

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"Helping people help themselves"

Voluntarism evokes so many negative feelings and connotations that it is important to underscore the fact that much of the new interest in voluntarism is not in restoring a situation in which the wealthy bestowed charity on the grateful poor, but one which sustains and strengthens self-help. We now have societies that are increasingly middle-class, with a broad range of rights distributed throughout the population, with destitution limited to a small minority, and with discretionary income now available to the broad middle range of the society. In such societies, the voluntary or nonstatutory sector must be very different from what it was in an earlier day.

Ralph Kramer suggests what is new about contemporary voluntary social service: "... [t]here is a proliferation of new voluntary organizations, particularly peer self-help groups and alternative agencies, in which the line between the helper and the helped, between board member, staff member, and client, is intentionally obscured." He points out that the movement that founded organizations during the 1950s to assist persons suffering from mental handicaps, multiple sclerosis, polio, and cerebral palsy, were movements of parents and family members of those suffering from these ailments. It remains the case that the best kind of help is self-help: The motivations are strongest, the controls that lead to decent behavior are most evident, and the forces that undermine a commitment to the primary objective are weakest. "In contrast to traditional agencies for the blind and the deaf, organizations to benefit these more recently 'discovered' handicaps are organizations *of* the handicapped and their guardians."

Self-help can take many forms: from the direct provision of concrete assistance and sympathy, to the insistence that government do more (a common role for advocacy groups), to the insistence (particularly in the United States) that the courts establish certain rights that will lead government, individual employers, local providers of service, or voluntary agencies to do more. Thus the new forms of voluntarism and the new growth of the nonstatutory sector do not have the weaknesses that have been criticized as "Lady Bountiful" charity. They are the self-help of those who wish to escape from an overbearing government or other large bureaucratic institutions—and who wish, too, to make their institutions more responsive. There is some evidence, apart from political or polemical urgings of the virtue of this course, that affluent societies have begun to pursue this course. This, at any rate, is what Kramer

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suggests, on the basis of his study of voluntary agencies of four countries:

> Direct service volunteering [in contrast to volunteering to raise funds] can be viewed within the larger context of the great resurgence of volunteerism in the 1970s. A marked increase in the size, scope, and diversity of volunteer effort occurred in the United States and England and, to a lesser extent, in the Netherlands and Israel. In all these countries, there was greater public recognition of the value of volunteerism for society and of its contribution to pluralism, mutual aid, and individual well-being, as well as its usefulness as an organizational resource. Aided by an increase in leisure time, a rising standard of living in the advanced industrial countries, and a wider diffusion of the norms of citizen participation and self-help, support for volunteer participation has broadened. This is manifested in the emergence of new forms of voluntary work, the changing composition of volunteers, the spread of mutual aid and alternative agencies, and an expansion of government responsibility for the promotion of volunteerism.

Kramer goes on to describe the scale of voluntary action:

> In England, a national survey estimated that 16 per cent of the population—5,000,000 persons—work voluntarily for an organization each week. Almost half of the respondents were involved in fund raising, and 18 percent reported in various forms of personal service. . . . In the United States, a widely publicized "guesstimate" is that one out of every four persons over the age of thirteen does some form of voluntary work weekly, of which 10 per cent is in the field of social welfare. Studies by the U.S. Department of Labor show an estimated growth in the number of volunteers from 22,000,000 to 37,000,000 between 1965 and 1974, including 4,500,000 volunteers over the age of sixty-five, representing an almost fourfold increase in this category in a decade. . . . [I]n the Netherlands, a government official estimated that there are 250,000 volunteers of all types. . . .[11]

In addition, there are (potentially) ingenious ways of increasing the supply of volunteers. In the United States, as Kramer reports, "tangible rewards" are given, such as "high school and university course credit for students and the use of volunteer experience to qualify for admission to graduate schools." This is the sort of thing the rather free-wheeling system of higher education in the United States can do. (This kind of "creative" approach, one suspects, would be harder to undertake on the Continent.) Creative proposals can be multiplied: Roger Masters, Professor of Government at Dartmouth, suggests trading labor, valued at a low standard rate, for taxes. As he writes: "Can the richest society on earth

[11] Kramer, pp. 195-196.

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THE "TAXWORK" OPTION

I . . . propose that we introduce—on a voluntary basis—individual labor as a means of paying local taxes, a proposal which, for want of a better term, might be called "taxwork." . . . Any individual taxpayer (or member of his family) would be allowed to pay part or all of his local taxes by working at an approved public project. Each community choosing to adopt this device would determine the projects to be undertaken as well as the rate of tax credit per hour of labor (though not less than the minimum wage). . . .

An example will be useful. Assume that a homeowner has an annual local property tax of $2,000 a year. His town or city credits voluntary labor at the rate of $4 an hour. By devoting 250 hours a year (approximately five hours a week), he "pays" half of his property tax. If his wife—or one of their children—contributes an equal amount of labor, the household would pay no tax at all. . . .

Consider some of the projects that might be suited to tax payment through voluntary labor. Our cities are a national disgrace. Streets are filthy and littered: They can be cleaned with brooms and shovels. Crosswalks and street markings need regular painting; potholes and frost heaves need more rapid repair; snow removal often leaves sidewalks and street corners impassable. Rundown public housing and old school buildings could be renovated by workers who, as it is, add to their incomes by quasi-legal "moonlighting."

Our aged are often abandoned, living more or less in isolation. Local communities could provide "meals on wheels" through voluntary labor. Our first-graders are often herded 35 to 40 to a classroom. Local citizens could provide assistance to teachers, effectively cutting this ratio in half. Our ill are confined to hospitals or nursing homes at exorbitant cost. Cities and towns could lower the cost of these needs by combining voluntary manpower with professional skills to improve in-patient services or expand visiting nurse-homemaker programs.

It can be expected that most taxes would still be paid in money. The modest losses in local tax revenues would be more than compensated by restoring higher-cost, labor-intensive public programs that are now impossible to finance; more important, taxwork would shift the focus of public life back toward the local community. . . .

Roger D. Masters in
The Washington Post
January 10, 1982

seriously be too poor to pay its schoolteachers and policemen?" If we take Lindbeck's analysis seriously, and if they must be paid at a high rate through taxes, the answer is clearly "yes." Masters proposes that "any individual taxpayer (or member of his family) would be allowed to pay part or all of his local taxes by working at an approved public project."[12]

A greater degree of voluntarism and of self-help can do a great deal to provide for needs and services that, if provided through the state, require a heavy burden of taxation, high deficits, and a variety of unpleasant and increasingly dangerous economic developments. Certainly the role of the welfare state is still crucial. But it must more and more ponder partnerships with the variety of vol-

[12] Roger D. Masters, "Inventing Your Very Own Tax Cut," *The Washington Post* (January 10, 1982): D-1.

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untary, market, nonstatutory organizations and mechanisms that we find in each society.[13] Beyond that, the welfare states must ponder the possibility that their own actions undermine these mechanisms. One thing in any case is clear: The problems the welfare state now confronts—economic, fiscal, social, psychological and political—can not be dealt with by further growth along the lines of the 1950s and 1960s.

[13] On partnerships of various types, and on attempts to catalog the varieties of non-state action, see an unpublished paper by Sheila B. Kamerman, "The Public and the Private Intertwined: The New Mixed Economy of Welfare," presented at the Seventh National Association of Social Workers Professional Symposium, Philadelphia, PA, November 19, 1981. Ms. Kamerman is Professor of Social Policy and Planning, Columbia University School of Social Work.

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Is the welfare state replacing the family?

MARY JO BANE

THE United States, like the other industrialized countries, is experiencing quite dramatic changes in the structure of its families and households. We see low fertility rates, low marriage rates, increasing numbers of one-person households, smaller household size on average, high and increasing labor force participation rates among women, and increasing numbers of single parent families. These changes have generated considerable speculation about the "decline of the family" and the quality of contemporary private life. Most sharply, they raise the question whether the state is being forced to take on responsibilities that families assumed in the past, or conversely (and more insidiously) whether the expansion of the welfare state itself has undermined the family and reduced its role.

Changes in the American family reflect three underlying trends, all of which are tied to long-term economic and social developments, and none of which, therefore, seems likely to be reversed in the next decade or so. The first trend is toward low or zero population growth leading to a population with a relatively small number of children and a large number of elderly. This stable, older population is due to a combination of low fertility rates and low mortality rates, and now characterizes most industrialized coun-

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tries. The second trend, which is probably both a cause and an effect of the first, is toward greater equality and independence for women. Women have gained political suffrage, birth control, and some measure of economic equality in most countries. Women continue to move from the exclusive devotion of their time and energy to home and family, toward greater and more equal participation in economic and political activity. The third trend, a more general manifestation of the second, is toward greater autonomy and independence in individual living arrangements. People today feel less bound to spouses, parents, and children, and more free to live and support themselves independently.

These three trends lie beneath the changes in family and household structure that most countries are experiencing. I believe they are also shaping a new set of attitudes toward, and social structures for, the care of dependents.

Our society includes a large proportion of dependents who require care and support from the able-bodied adult population: children, frail elderly, sick, disabled, handicapped, and retarded. Historically, these groups have been cared for mostly at home, in families, by women. Women generally assumed the responsibility for care and performed those tasks as part of their domestic roles. This continues to be the case. Most of the care of the old, the young, the sick, and the handicapped is still provided informally by women in their roles as wife, mother, daughter, and neighbor.[1]

Nonetheless, there have been recent changes in the pattern of caring for dependents. Although the vast majority of children still live at home and are cared for by parents, out-of-home paid or public care of children is increasing almost everywhere. The elderly typically no longer live with their children, even when they are frail and in need of care; increasing proportions live alone or in congregate settings. Adult dependents have become more independent, living away from family and asking that care be provided in their own homes. Women are also becoming independent, asking that their husbands, and indeed society at large, share the responsibility for care so that women can participate more fully in other activities. These trends occur within a general demographic shift that has produced fewer young but more older dependents. Thus we see more households that include no workers, and more public and private resources being spent to provide support and care to dependents.

[1] Mary Jo Bane, *Here to Stay: American Families in the Twentieth Century*, (New York: Basic Books, 1976).

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Are the changes in the characteristics and living arrangements of the dependent, and in patterns of providing for their financial support and physical care, cause for alarm? They may be, but that depends on the answers to two other questions:

—Do these changes unacceptably reduce the quality of care for dependent groups?

—Will these changes reduce social integration and the sense of responsibility that people in the society feel for each other?

Dependents, the family, and the economy

Discussions of the care of dependents usually focus on the changes that have been taking place within the family itself. But we can also look at changes in that sector of the economy that provides care and service to dependent groups. Like changes in family structure, changes over the last two decades in the social welfare sector of the economy have indeed been dramatic.

The Social Security Administration estimates the amount and proportion of total national spending on social welfare each year, primarily the care of dependents. These estimates show that public and private spending in the U.S. on income maintenance, health, education, welfare, and other services increased from about 16 percent of GNP in 1960 to about 27 percent of GNP in 1978, with most of the growth taking place in the public sector (see Table). This dramatic growth in social welfare spending could have come about in two different ways: from the transfer of services that would oth-

Social Welfare Spending in the United States (Public and Private Sources, 1960-1978)[1]

	1960	1970	1978
Expenditures as a Percent of GNP[2]			
Total (net)	15.8%	21.8%	26.9%
Income maintenance	6.0	7.5	10.2
Health	5.2	7.2	9.2
Education	4.4	6.4	6.1
Welfare and other services	0.5	1.0	2.0
Public Expenditures as a Percent of Total			
Total	65.3	68.4	70.4
Income maintenance	88.1	83.9	85.2
Health	24.7	36.7	40.8
Education	82.8	84.0	84.3
Welfare and other services	59.1	79.6	89.3

1 Source: Alma W. McMillan and Ann Kallman Bixby, "Social Welfare Expenditures Fiscal Year 1978," *Social Security Bulletin*, Vol. 43, No. 5, May 1980, pp. 3–17.

2 Adjusted to eliminate duplication resulting from use of cash transfers for other services.

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erwise have been provided in families by unpaid workers (and thus would not have been calculated in the GNP) to the public and private monetized sectors of the economy, or from the provision of new services or higher quality services that supplement the care provided by families.

The substantial movement of women, especially mothers, into the paid workforce suggests that we may simply be moving care from the family into the wage-and-salary sector. In the U.S., the labor force participation rate of women aged sixteen and over went from 36 percent in 1960 to 50 percent in 1980; the labor force participation rate of married women with children at home went from 28 percent in 1960 to 54 percent in 1980.

This makes it appear that a massive transfer of caretaking responsibilities from families to paid caretakers in public or private institutions must have taken place over the last few decades. But the segments of the workforce that logically ought to be absorbing this displacement do not seem to have grown in nearly the same proportion as the number of unpaid family workers has declined. Women not in the labor force, most of whom described themselves as "keeping house," went from 51 percent of the 15-64 year-old female population in 1960 down to 40 percent in 1979. But over the same period private household workers and out-of-home child-care workers declined from 2.5 percent of the workforce in 1960 to about 1.6 percent in 1979. Non-professional health workers (aides, etc.) increased from about 1 percent to about 2 percent of the workforce. Thus the proportion of the workforce engaged in caring for dependents stayed roughly constant from 1960 to 1978—and very small.

Other evidence that the entry of women into the paid workforce has had less effect on the care of dependents than might have been expected comes from recent surveys on how children, the sick, and the elderly are indeed cared for. In the U.S. in 1975 only about 23 percent of children under two years and 25 percent of three-to-five year-old children were cared for by someone other than their parents more than ten hours a week. Only 4 percent of children under two years and 11 percent of three-to-five year-olds were in formal day care or nursery school more than ten hours a week. These numbers are no doubt higher than in 1960 but they are still not very high. In the late 1970's only about 5 percent of the elderly were in institutions. Of those needing help, surveys show that most received it from family members.

At least in the U.S., the movement of women into the workforce

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does not seem to have been accompanied by a massive displacement of family care by the paid economy. Instead, it appears that women have taken on paid jobs *in addition* to their caretaking within the family. This has been partly assisted by other family members taking on additional responsibilities and by a decrease in the amount of housework that gets done by anyone. To some extent, this is because women are filling with paid work what was perhaps relatively unproductive time—while older children were in school, for example. (In the U.S. in 1980 only about 40 percent of the married mothers in the labor force were year-round full-time workers.) Or perhaps men and women are simply working harder and longer.

Displacement and new services

Whatever the explanations, not much of the dramatic growth in social welfare spending can be attributed to the displacement of family care. Rather, the evidence suggests that what we are seeing is mainly the provision of new and higher quality services by the social welfare sector. We see this in health, education, social services, and income security.

Health. About 34 percent of U.S. social welfare spending in 1978, or 10.2 percent of GNP, was devoted to health, the fastest growing component. The vast bulk of health spending goes for hospitalization, physicians' services, drugs, and other goods and services that have never been, and indeed cannot be, provided by families. A portion of health spending, however, does go for nursing homes and other forms of long-term care—care that might otherwise have been provided by families. To some extent, nursing home care provided by professionals probably represents an improvement in the quality of care that the frail elderly and chronically ill receive. Nonetheless, the growth in spending on nursing home and long-term care might be one measure of the amount of displacement of families. Spending on nursing home care increased from 2 percent of health spending and 0.1 percent of GNP in 1960, to 8 percent of health spending and 0.8 percent of GNP in 1979. Despite this increase, the vast bulk of health spending can mainly be attributed to new or higher quality services, not changes in family care.

Education. About 23 percent of U.S. social welfare spending in 1978, or 6 percent of GNP, was for education, up from 4.4 percent of GNP in 1960. Most of this represented an expansion of educational services, especially for higher education. Preschool educa-

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tion also grew rapidly. In 1976, 20 percent of three-year-olds and 42 percent of four-year-olds were enrolled in nursery school or kindergarten, up from 7 and 21 percent in 1960. To the extent that nursery school is used by parents as a type of day care, increased spending on nursery school could be considered a displacement of the family, but most parents see nursery school as an educational and developmental institution, and thus as supplementary to families. Even if all the spending on nursery school and after-school programs is considered displacement, however, it remains a trivial proportion of the growth in spending on education.

Social services. About 3.5 percent of U.S. social welfare spending in 1978, or 1 percent of GNP, went for social services such as day care, child welfare services, homemaker services, school breakfasts and lunches, and so on. Most of these services probably could have been provided by families, although perhaps not at the same level of quality provided by professionals. These services cause the most displacement, but are a very small proportion of total social welfare spending.

Income security. About 36 percent of U.S. social welfare spending in 1978, or 10 percent of GNP, was spending for income maintenance—social insurance and cash transfers. This was a very rapidly growing component of spending, up from 6 percent of GNP in 1960. About 85 percent of this spending was public, with the rest private pensions and private insurance.

Social security, pensions, and public assistance might be thought of as pure social transfer payments whose sole purpose is to relieve families of the financial burden of supporting the retired, disabled, unemployed, and otherwise poor. There is another way of looking at income security programs that suggests that a large portion of this spending growth is new services.

Both private pension plans and social insurance involve substantial "intra-personal transfers"—that is, savings during working life for later spending during retirement, or insurance payments for unemployment or disability. The intra-personal component of these programs should probably be subtracted from estimates of social welfare spending. Truly intra-personal transfers seem irrelevant to the general question of displacement of family care, though forced intra-personal transfers may result in some new spending on goods and services that would not otherwise have been purchased.

But social insurance (and other pension funds that do not operate strictly as annuities) still involves some transfers between people, since most beneficiaries now receive much more in bene-

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fits than would be expected on the basis of a normal market rate of return on their contributions. (This is likely to be true for most beneficiaries in the U.S. at least until the second or third decade of the 21st century.) Other income maintenance programs, for example AFDC and general assistance, can be thought of entirely as *inter-personal transfers*.

In one sense, all these programs do represent replacement of family support. Money once changed hands privately; now it changes hands through taxes and transfers. The public transfer system is also used to purchase goods and services that might otherwise have been provided by families. Elderly men and women may now purchase food and help with household tasks without relying on their sons and daughters. But in another sense even the transfer system embodies a substantial component of spending on new and higher quality services. Most notably, the transfer system purchases the ability to live independently and maintain separate households for many elderly people and many single mothers. The privacy and autonomy that most elderly, disabled, and single people seem to prefer is probably the most expensive new service now purchased by the social welfare system.

The quality of care

One set of questions to be raised about the "new services" component of social welfare spending concerns how much should be spent relative to other government activities and whether this spending represents an efficient use of resources. Another set of questions, more directly relevant to families and the future, come from the "displacement" component and from the fact that almost all the new services are being provided through monetized, and in many cases public, systems rather than through families. Indeed, part of the concern about the "decline of the family" comes from a sense that the quality of care provided outside the family is inferior to that provided by family members. Though this is no doubt correct in some cases, it is clearly not true across the board. But this view is so widely shared that it may be worth examining in detail with regard to children and the elderly.

Children. As was noted earlier, the increased labor force participation of mothers in the U.S. does not seem to have been accompanied by a corresponding increase in paid, out-of-home care of preschool children. Relatively few parents use full-time non-parental care, especially for infants. Most seem to adjust the work

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SWEDISH WELFARE VS. JAPANESE SELF-FARE

Sven Rydenfelt, professor of economics at the University of Lund, Sweden, has compared data on mean life expectation and infant mortality for two very different welfare systems: the family-centered system of Japan and the Swedish welfare state. He found that in 1960, mean life expectancy in Sweden was 73.5 years, in Japan, 67.9 years; infant mortality, measured in deaths during the first year per 1000 live births, was 16.6 in Sweden and 33.8 for Japan. By 1979 the figures for mean life expectancy were 75.6 years for Sweden, 76.2 years for Japan; infant mortality was 7.5 in Sweden and 8.0 in Japan. Mr. Rydenfelt comments on these figures:

. . . It is apparent that Japan, starting from a welfare situation much worse than that in Sweden, has continually advanced and in 1979 caught up with Sweden as for longevity and very nearly as for infant mortality. . . . In Japan, people obviously have been able successfully to adapt to life conditions in a state with little public welfare. They save extensively during their active years, and thus are able to enjoy the good life even in old age. Whenever required, their children and relatives are prepared to support them. Such longevity is achieved despite housing standards which are substantially lower than in Sweden. Obviously these low standards are compensated for by other favorable factors, among them a warmer emotional climate.

In Japanese families, mothers, as a rule, leave the labor force and remain at home as soon as the first baby is born. Most of them stay at home for the rest of their lives. When the children have grown up and left home, the mothers very often take care of aged parents. . . .

In these intimate human relations, affection and love are normal ingredients. Children feel wanted and needed, and gain a sense of self-confidence and dignity lasting for life. And according to modern medical science concerning psychosomatic relations, such an emotional climate can only be good for health and longevity.

—The Wall Street Journal
September 30, 1981

schedules of family members to minimize the need for paid care. Parents mostly supplement their own time with informal arrangements, particularly baby-sitters who are relatives. For three-to-five year-olds, parental and informal care is increasingly supplemented by nursery school.

So the modal family in the U.S. still relies substantially on parental care, supplemented by nursery school and other arrangements. Much of the concern about the quality of care is therefore misplaced. The trend toward out-of-home care is much slower, and has gone much less far than most people imagine. The biggest change—nursery school attendance—is one that most people consider a desirable improvement in the quality of care. I expect that the trend toward out-of-home care will continue at a very slow pace, with most parents choosing to adjust their own work lives to have time to care for their young children themselves.

Nonetheless, it is possible that the trend toward non-parental care will accelerate. We could conceivably see larger proportions

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of children spending more time in out-of-home care. The social-science evidence of what the effects would be for preschool children is by no means clear. The relative costs and benefits seem to depend on, among other things, the talents and motivations of the parents, the age and personality of the children, and the characteristics of the care facility.

The biggest concern seems to be that as children spend less time in the home they might not establish psychological bonds with their parents sufficiently strong to develop trusting and loving relationships. Psychologists do not know how much time, in what kinds of settings, jeopardizes these bonds. The normal pattern of child care in the U.S. does not seem to jeopardize them but the trends are worth watching and one hopes that research into this question continues.

Elderly and disabled. Independent living for the elderly is strongly preferred both by the elderly and the families with whom they would otherwise live. The benefits of privacy and independence seem to outweigh those of companionship and shared labor, especially among most of those who can afford to live alone. Though loneliness can be a problem, it can be reduced through social contacts with family and friends. No doubt some elderly people live alone by necessity rather than choice, and the quality of their lives is no doubt lower than it would have been had they lived with family, but in general the living situations of most of the elderly have not deteriorated due to independent living.

Nursing home and other institutional care for the impaired and handicapped raises more difficult questions. One probable effect of paid care is that it provides a minimal standard of care. For many, this may represent an improvement over what they would have received at home. For others, the availability of institutional care may mean that they are placed in institutions rather than cared for in homes that would have been both adequate and humane, and would have provided more genuine personal concern, social contact, and individual dignity. In general, social research suggests that nursing homes and institutions are last resorts for families who can simply no longer care for an elderly or handicapped person at home. It could be that forcing certain families to provide care at home would result in higher quality, more personal care, but not in general.

So the new patterns of care for children, the elderly, and other dependents in the U.S. do not represent a decline in quality; indeed, they may mean an improvement over what would have been

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provided in the absence of changes in families and the social welfare system. This is partly because families continue to provide the vast bulk of care for children, and a substantial amount of the care of the elderly and chronically ill. Social welfare institutions and services supplement what families have always done and continue to do.

Who remains responsible?

This new balance of family care and paid care is likely to continue, particularly for children; if it did not, that would be disturbing. If a larger and larger proportion of care for dependents occurred in the market and public sectors, and if family care came close to disappearing (which it conceivably could for the sick and the old, though I think not for children), this could be tragic. The tragedy would be that professionally-provided care in segregated settings might not be provided by someone who genuinely loves and respects the dependent person. Caring could become a job, done by people who are paid for it and who have no personal investment in the well-being of those for whom they care. Interactions become routine and impersonal; though sustenance is provided, love, empathy, and companionship are not. A second effect might be that with less direct contact between the dependent and the working populations, the able-bodied adults who pay for the care might not know them as people, understand their situations, and be concerned about their well-being. This could easily lead to lower levels of financial support and quality of care, especially in hard times.

The changing role of women, which underlies all these transformations, raises another danger. Compassion and responsibility, expressed through personal concern and care, historically have been the virtues expected of women in their roles as wives, mothers, daughters and friends. The responsibilities of men have been in the public arena, to make the money to support dependents. Men have not been expected to personally care for children, the elderly, and the sick. As women enter the paid labor force, the division of labor and moral responsibility has become less clear. This seems an entirely appropriate move toward greater equality for women; the danger, of course, is that personal compassion and responsibility will be lost, rather than shared, as women spend more of their time in paid labor, and caretaking is turned over to professionals.

In fact, this may not be happening. One reading of recent his-

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tory sees the expansion of social welfare services along with substantial caretaking by families as an indication of *more* compassion for and responsibility toward the needy. Nevertheless, personal concern and care must remain. No one has paid much attention to nourishing these virtues in and through public institutions and policies; this may be the most profound challenge the welfare state now faces.

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Memoir on pauperism

ALEXIS DE TOCQUEVILLE

The "Memoir on Pauperism," delivered to the Royal Academic Society of Cherbourg in 1835 and printed in the proceedings of the Academy, was not included in the collected edition of Tocqueville's works published soon after his death. Reprinted in a French academic journal in 1911, it was little known until its translation into English by the American scholar Seymour Drescher.[1]

The "Memoir" is a critique of the system of poor relief which earned England the distinction of being, as Tocqueville said, "the only country in Europe which has systematized and applied the theories of public charity on a grand scale." That system had its origins in the sixteenth century when rising prices and land enclosures (the conversion of arable land to pasturage) created much distress and unemployment, a situation aggravated by the dissolution of the monasteries which had traditionally played a large part in the distribution of charity. After several attempts to control vagrancy and provide some measure of relief, an act passed in 1601 consolidated earlier legislation and became the basis of the system of relief that prevailed (with much modification and variation) until

[1] Reprinted here with Mr. Drescher's permission from *Tocqueville and Beaumont on Social Reform*, Seymour Drescher, ed. and trans., (New York: Harper & Row, Harper Torchbooks, 1968), pp. 1-27.

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it was superseded by the welfare state in 1945. These Elizabethan poor laws provided for relief for the aged and infirm, apprenticeship for the children of the poor, employment of the "able-bodied" poor, and punishment or confinement in "houses of correction" for the "sturdy beggars" who persisted in seeking alms. Although the parish was the unit of administration, the system was national and compulsory; each parish was required by law to levy taxes on property (the "poor rates," as they were known) to be used for the sole purpose of discharging its obligations to the poor who had a "settlement" (a legal residence) within its boundaries.

In the course of the following two centuries, the poor laws were repeatedly modified, sometimes made more harsh and restrictive (an act of 1662, for example, permitting the parish to evict any newcomer who might become a charge on the parish), sometimes more generous and expansive, but always within the framework of the original laws. The most dramatic expansion of relief came with the "Speenhamland policy" in 1795, which pegged relief to the price of bread and the size of the family, thus supporting those who were employed but whose earnings fell below a minimum standard. This policy, coming in the wake of a series of bad harvests, the French Revolutionary wars, the rapid increase of population, and the dislocations caused by the agricultural and industrial "revolutions," had the effect of vastly increasing the number of people dependent, entirely or partially, on relief (not, it is now thought, the one-sixth of the population cited by Tocqueville, although at times it almost reached that point). By the same token it also considerably increased the poor rates, which at one point amounted to one-fifth of the total national expenditure. Malthus's Essay on Population, *published in 1799, was not the first but it was the most influential critique of the poor laws. In subsequent decades criticism mounted as relief was held responsible for a vicious cycle of evils: the decrease of wages (because wages could be supplemented out of the poor rates), the decline of productivity (pauper labor being less efficient than independent labor), and the increased dependency and demoralization of the poor (the "pauperization of the poor," as it was called).*

In 1832 a Royal Commission was set up to inquire into the problem, and two years later the Poor Law Amendment Act was passed. The "New Poor Law," as it was commonly called, made no essential change in relief for the aged and sick who would continue to receive relief in money or kind while living in their own homes ("outdoor relief"). The real change came in the relief for the able-

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bodied, who were to be assisted only in the workhouse and only under the principle of "less-eligibility"—under conditions that were less "eligible," less desirable, than those of the laboring poor. By these means the reformers hoped to prevent the laborer from being tempted to join the ranks of the pauper. And by these means they thought it possible to reform the poor laws rather than, as Malthus would have liked, to abolish them, thus retaining relief for the needy while making it so onerous for those capable of working as to discourage them from applying for relief.

It was against this background that Tocqueville wrote his "Memoir." What is interesting is his resistance to the prevailing sentiment in England, where both the critics and the defenders of the New Poor Law—with the notable exception of Malthus—thought that it had brought about a radical change in the system of relief. Tocqueville, focussing on the principle *rather than the* mechanism, *saw the new law as prone to all the evils of the old because it was still committed to the idea of a legal right to public relief. That principle, like the principle of democracy (Tocqueville had just completed his* Democracy in America*), had its own imperatives and its internal logic, which no such "reform" could alter.*

—Gertrude Himmelfarb

Part I

THE PROGRESSIVE DEVELOPMENT OF PAUPERISM AMONG CONTEMPORARIES AND THE METHODS USED TO COMBAT IT

WHEN one crosses the various countries of Europe, one is struck by a very extraordinary and apparently inexplicable sight.

The countries appearing to be most impoverished are those which in reality account for the fewest indigents, and among the peoples most admired for their opulence, one part of the population is obliged to rely on the gifts of the other in order to live.

Cross the English countryside and you will think yourself transported into the Eden of modern civilization—magnificently maintained roads, clean new houses, well-fed cattle roaming rich meadows, strong and healthy farmers, more dazzling wealth than in any country of the world, the most refined and gracious standard of the basic amenities of life to be found anywhere. There is a pervasive concern for well-being and leisure, an impression of universal prosperity which seems part of the very air you breathe. At

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every step in England there is something to make the tourist's heart leap.

Now look more closely at the villages; examine the parish registers, and you will discover with indescribable astonishment that one-sixth of the inhabitants of this flourishing kingdom live at the expense of public charity. Now, if you turn to Spain or even more to Portugal, you will be struck by a very different sight. You will see at every step an ignorant and coarse population; ill-fed, ill-clothed, living in the midst of a half-uncultivated countryside and in miserable dwellings. In Portugal, however, the number of indigents is insignificant. M. de Villeneuve estimates that this kingdom contains one pauper for every 25 inhabitants. Previously, the celebrated geographer Balbi gave the figure as one indigent to every ninety-eight inhabitants.

Instead of comparing foreign countries among themselves, contrast the different parts of the same realm with each other, and you will arrive at an analogous result; you will see on the one hand the number of those living in comfort, and, on the other, the number of those who need public funds in order to live, growing proportionately. . . .

I think that it is not impossible to give a reasonable explanation for this phenomenon. The effect that I have just pointed out is due to several general causes which it would take too long to examine thoroughly, but they can at least be indicated. . . .

At this point, I want to examine only a corner of that immense tableau of the feudal centuries. In the twelfth century, what has since been called the "third estate" did not yet exist. The population was divided into only two categories. On the one hand were those who cultivated the soil without possessing it; on the other, those who possessed the soil without cultivating it.

As for the first group of the population, I imagine that in certain regards its fate was less deserving of pity than that of the common people of our era. These men were in a situation like that of our colonial slaves, although they played their role with more liberty, dignity, and morality. Their means of subsistence was almost always assured; the interest of the master coincided with their own on this point. Limited in their desires as well as in their power, without anxiety about a present or a future which was not theirs to choose, they enjoyed a kind of vegetative happiness. It is as difficult for the very civilized man to understand its charm as it is to deny its existence.

The other class presented the opposite picture. Among these men hereditary leisure was combined with continuous and assured abundance. I am far from believing, however, that even within this privileged class the pursuit of pleasure was as preponderant as is generally supposed. Luxury without comfort can easily exist in a still half-barbarous nation. Comfort presupposes a numerous class all of whose members work together to render life milder and

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easier. But, in the period under discussion, the number of those not totally absorbed in self-preservation was extremely small. Their life was brilliant, ostentatious, but not comfortable. One ate with one's fingers on silver or engraved steel plates, clothes were lined with ermine and gold, and linen was unknown; the walls of their dwellings dripped with moisture, and they sat in richly sculptured wooden chairs before immense hearths where entire trees were consumed without diffusing sufficient heat around them. I am convinced that there is not a provincial town today whose more fortunate inhabitants do not have more true comforts of life in their homes and do not find it easier to satisfy the thousand needs created by civilization than the proudest medieval baron. If we look carefully at the feudal centuries, we will discover in fact that the great majority of the population lived almost without needs and that the remainder felt only a small number of them. The land was enough for all needs. Subsistence was universal; comfort unheard of.

It was necessary to establish this point of departure in order to make clear what follows.

As time passes, the population which cultivates the soil acquires new tastes. The satisfaction of the basic necessities is no longer sufficient. The peasant, without leaving his fields, wants to be better housed and clothed. He has seen life's comforts and he wants them. On the other hand, the class which lived off the land without cultivating the soil extends the range of its pleasures; these become less ostentatious, but more complex, more varied. Thousands of needs unknown to the medieval nobles stimulate their descendants. A great number of men who lived on the land and from the land leave their fields and find their livelihood by working to satisfy these newly discovered needs. Agriculture which was everyone's occupation is now only that of the majority. Alongside those who live in leisure from the productivity of the soil arises a numerous class who live by working at a trade but without cultivating the soil.

Each century, as it emerges from the hand of the Creator, extends the range of thought, increases the desires and the power of man. The poor and the rich, each in his sphere, conceive of new enjoyments which were unknown to their ancestors. In order to satisfy these new needs, which the cultivation of the soil cannot meet, a portion of the population leaves agricultural labor each year for industry.

If one carefully considers what has happened in Europe over several centuries, it is certain that proportionately as civilization progressed, a large population displacement occurred. Men left the plow for the shuttle and the hammer; they moved from the thatched cottage to the factory. In doing so, they were obeying the immutable laws which govern the growth of organized societies. One can no more assign an end to this movement than im-

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pose limits on human perfectibility. The limits of both are known only by God.

What has been, what is the consequence of this gradual and irresistible movement that we have just described? An immense number of new commodities have been introduced into the world; the class which had remained in agriculture found at its disposal a multitude of luxuries previously unknown. The life of the farmer became more pleasant and comfortable; the life of the great proprietor more varied and more ornate; comfort was available to the majority. But these happy results have not been obtained without a necessary cost.

I HAVE stated that in the Middle Ages comfort could be found nowhere, but life everywhere. This sentence sums up what follows. When almost the entire population lived off the soil great poverty and rude manners could exist, but man's most pressing needs were satisfied. It is only rarely that the earth cannot provide enough to appease the pangs of hunger for anyone who will sweat for it. The population was therefore impoverished but it lived. Today the majority is happier but it would always be on the verge of dying of hunger if public support were lacking.

Such a result is easy to understand. The farmer produces basic necessities. The market may be better or worse, but it is almost guaranteed; and if an accidental cause prevents the disposal of agricultural produce, this produce at least gives its harvester something to live on and permits him to wait for better times.

The worker, on the contrary, speculates on secondary needs which a thousand causes can restrict and important events completely eliminate. However bad the times or the market, each man must have a certain minimum of nourishment or he languishes and dies, and he is always ready to make extraordinary sacrifices in order to obtain this. But unfortunate circumstances can lead the population to deny itself certain pleasures to which it would ordinarily be attracted. It is the taste and demand for these pleasures which the worker counts on for a living. If they are lacking, no other resource remains to him. His own harvest is consumed, his fields are barren; should such a condition continue, his prospect is only misery and death.

I have spoken only of the case where the population restricts its needs. Many other causes can lead to the same effect: domestic overproduction, foreign competition, etc.

The industrial class which gives so much impetus to the well-being of others is thus much more exposed to sudden and irremediable evils. In the total fabric of human societies, I consider the industrial class as having received from God the special and dangerous mission of securing the material well-being of all others by its risks and dangers. The natural and irresistible movement of civilization continuously tends to increase the comparative size of this class. Each year needs multiply and diversify, and with them

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grows the number of individuals who hope to achieve greater comfort by working to satisfy those new needs rather than by remaining occupied in agriculture. Contemporary statesmen would do well to consider this fact.

To this must be attributed what is happening within wealthy societies where comfort and indigence are more closely connected than elsewhere. The industrial class, which provides for the pleasures of the greatest number, is itself exposed to miseries that would be almost unknown if this class did not exist.

HOWEVER, still other causes contribute to the gradual development of pauperism. Man is born with needs, and he creates needs for himself. The first class belongs to his physical constitution, the second to habit and education. I have shown that at the outset men had scarcely anything but natural needs, seeking only to live; but in proportion as life's pleasures have become more numerous, they have become habits. These in turn have finally become almost as necessary as life itself. . . . The more prosperous a society is, the more diversified and more durable become the enjoyments of the greatest number, the more they simulate true necessity through habit and imitation. Civilized man is therefore infinitely more exposed to the vicissitudes of destiny than savage man. What happens to the second only from time to time and in particular circumstances, occurs regularly to the first. Along with the range of his pleasures he has expanded the range of his needs and leaves himself more open to the hazard of fortune. Thus the English poor appear almost rich to the French poor; and the latter are so regarded by the Spanish poor. What the Englishman lacks has never been possessed by the Frenchman. And so it goes as one descends the social scale. Among very civilized peoples, the lack of a multitude of things causes poverty; in the savage state, poverty consists only in not finding something to eat.

The progress of civilization not only exposes men to many new misfortunes; it even brings society to alleviate miseries which are not even thought about in less civilized societies. In a country where the majority is ill-clothed, ill-housed, ill-fed, who thinks of giving clean clothes, healthy food, comfortable quarters to the poor? The majority of the English, having all these things, regard their absence as a frightful misfortune; society believes itself bound to come to the aid of those who lack them, and cures evils which are not even recognized elsewhere. In England, the average standard of living a man can hope for in the course of his life is higher than in any other country of the world. This greatly facilitates the extension of pauperism in that kingdom.

If all these reflections are correct it is easy to see that the richer a nation is, the more the number of those who appeal to public charity must multiply, since two very powerful causes tend to that result. On the one hand, among these nations, the most insecure class continuously grows. On the other hand, needs infinitely ex-

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pand and diversify, and the chance of being exposed to some of them becomes more frequent each day.

We should not delude ourselves. Let us look calmly and quietly on the future of modern societies. We must not be intoxicated by the spectacle of its greatness; let us not be discouraged by the sight of its miseries. As long as the present movement of civilization continues, the standard of living of the greatest number will rise; society will become more perfected, better informed; existence will be easier, milder, more embellished, and longer. But at the same time we must look forward to an increase of those who will need to resort to the support of all their fellow men to obtain a small part of these benefits. It will be possible to moderate this double movement; special national circumstances will precipitate or suspend its course; but no one can stop it. We must discover the means of attenuating those inevitable evils which are already apparent.

Part II

THERE are two kinds of welfare. One leads each individual, according to his means, to alleviate the evils he sees around him. This type is as old as the world; it began with human misfortune. Christianity made a divine virtue of it, and called it charity. The other, less instinctive, more reasoned, less emotional, and often more powerful, leads society to concern itself with the misfortunes of its members and is ready systematically to alleviate their sufferings. This type is born of Protestantism and has developed only in modern societies. The first type is a private virtue; it escapes social action; the second on the contrary is produced and regulated by society. It is therefore with the second that we must be especially concerned.

At first glance there is no idea which seems more beautiful and grander than that of public charity. Society is continually examining itself, probing its wounds, and undertaking to cure them. At the same time that it assures the rich the enjoyment of their wealth, society guarantees the poor against excessive misery. It asks some to give of their surplus in order to allow others the basic necessities. This is certainly a moving and elevating sight.

How does it happen that experience destroys some of these beautiful illusions? The only country in Europe which has systematized and applied the theories of public charity on a grand scale is England. At the time of the religious revolution under Henry VIII, which changed the face of England, almost all the charitable foundations of the kingdom were suppressed; and since their wealth became the possession of the nobles and was not at all distributed among the common people, the poor remained as numerous as before while the means of providing for them were partly destroyed.

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The numbers of the poor therefore grew beyond measure, and Elizabeth, Henry's daughter, struck by the appalling miseries of the people, wished to substitute an annual levy furnished by the local governments for the sharply reduced alms-giving caused by the suppression of the convents.

A law promulgated in the forty-third year of that ruler's reign declared that in each parish, overseers of the poor would be chosen, and that these overseers would have the right to tax the inhabitants in order to feed disabled indigents, and to furnish work for the others.

As time passed, England was increasingly led to adopt the principle of legal charity. Pauperism grew more rapidly in Great Britain than anywhere else. Some general and some special causes produced this unfortunate result. The English have surpassed the other nations of Europe in civilized living. All the observations that I made before are applicable to them; but there are others which relate to that country alone.

THE English industrial class not only provides for the necessities and pleasures of the English people, but of a large part of humanity. Its prosperity or its miseries therefore depend not only on what happens in Great Britain but in a way on every event under the sun. When an inhabitant of the Indies reduces his expenditure or cuts back on his consumption, it is an English manufacturer who suffers. England is therefore the country in the world where the agricultural laborer is most forcefully attracted towards industrial labor and finds himself most exposed to the vicissitudes of fortune. In the past century an event has occurred which, looking at the rest of the world's development, can be viewed as phenomenal. For a hundred years landed property has been breaking up throughout the known world; in England it continues to concentrate. Medium-sized holdings disappear into vast domains. Large-scale agriculture succeeds small-scale cultivation. One could offer some interesting observations on this subject, but it would divert me from my chosen topic: the fact must suffice—it is a constant. The result is that while the agricultural worker is moved by his interest to abandon the plow and to move into industry, he is in a way thrust in the same direction in spite of himself by the agglomeration of landed property. Comparatively speaking, infinitely fewer workers are required to work a large estate than a small field. The land fails him and industry beckons in this double movement. Of the 25 million people of Great Britain, no more than 9 million are involved in agriculture. Fourteen million, or close to two-thirds, make their perilous way in commerce and industry. Thus pauperism was bound to grow more quickly in England than in countries whose civilization might have been equal to that of the English. Once having admitted the principle of legal charity, England has not been able to dispense with it. For two hundred years English legislation for the poor has revealed itself as nothing more than an extended

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development of the Elizabethan laws. Almost two and a half centuries have passed since the principle of legal charity was fully embraced by our neighbors, and one may now judge the fatal consequences which flowed from the adoption of this principle. Let us examine them successively.

Since the poor have an absolute right to the help of society, and have a public administration organized to provide it everywhere, one can observe in a Protestant country the immediate rebirth and generalization of all the abuses with which its reformers rightly reproached some Catholic countries. Man, like all socially organized beings, has a natural passion for idleness. There are, however, two incentives to work: the need to live and the desire to improve the conditions of life. Experience has proven that the majority of men can be sufficiently motivated to work only by the first of these incentives. The second is only effective with a small minority. Well, a charitable institution indiscriminately open to all those in need, or a law which gives all the poor a right to public aid, whatever the origin of their poverty, weakens or destroys the first stimulant and leaves only the second intact. The English peasant, like the Spanish peasant, if he does not feel the deep desire to better the position into which he has been born, and to raise himself out of his misery (a feeble desire which is easily crushed in the majority of men)—the peasant of both countries, I maintain, has no interest in working, or, if he works, has no interest in saving. He therefore remains idle or thoughtlessly squanders the fruits of his labors. Both these countries, by different causal patterns, arrive at the same result: the most generous, the most active, the most industrious part of the nation, which devotes its resources to furnishing the means of existence for those who do nothing or who make bad use of their labor.

We are certainly far from that beautiful and seductive theory that I expounded above. Is it possible to escape the fatal consequences of a good principle? For myself I consider them inevitable. Here I might be interrupted by a rejoinder: You assume that, whatever its cause misery will be alleviated; you add that public assistance will relieve the poor of the obligation to work. This states as a fact something questionable. What is to prevent society from inquiring into the causes of the need before giving assistance? Why could work not be imposed as a condition on the able-bodied indigent who asks for public pity? I reply that some English laws have used the idea of these palliatives; but they have failed, and understandably so.

Nothing is so difficult to distinguish as the nuances which separate unmerited misfortune from an adversity produced by vice. How many miseries are simultaneously the result of both these causes! What profound knowledge must be presumed about the character of each man and of the circumstances in which he has lived, what knowledge, what sharp discernment, what cold and in-

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exorable reason! Where will you find the magistrate who will have the conscience, the time, the talent, the means of devoting himself to such an examination? Who would dare to let a poor man die of hunger because it's his own fault that he is dying? Who will hear his cries and reason about his vices? Even personal interest is restrained when confronted by the sight of other men's misery. Would the interest of the public treasury really prove to be more successful? And if the overseer's heart were unconcerned with such emotions, which are appealing even when misguided, would he remain indifferent to fear? Who, being judge of the joy or suffering, life or death, of a large segment of his fellow men, of its most dissolute, its most turbulent, its crudest segment, who would not shrink before the exercise of such terrible power? And if any of these intrepid beings can be found, how many will there be? In any event such functions can only be exercised with a restricted territory. A large number must be delegated to do so. The English have been obliged to put overseers in every parish. What inevitably follows from all this? Poverty is verified, the causes of poverty remain uncertain: the first is a patent fact, the second is proved by an always debatable process of reasoning. Since public aid is only indirectly harmful to society, while the refusal of aid instantly hurts the poor and the overseer himself, the overseer's choice cannot be in doubt. The laws may declare that only innocent poverty will be relieved; practice will alleviate all poverty. I will present plausible arguments for the second point, equally based on experience.

We would like work to be the price of relief. But, first, is there always public work to be done? Is it equally spread over the whole country in such a way that you never see a good deal of work to be done with few people to do it in one district and in another many indigents to be helped but little work to be undertaken? If this difficulty is present at all times, doesn't it become insurmountable when, as a consequence of the progressive development of civilization, of population growth, of the effect of the Poor Law itself, the proportion of indigents, as in England, reaches a sixth, some say a quarter, of the total population?

But even supposing that there would always be work to do, who will take responsibility for determining its urgency, supervising its execution, setting the price? That man, the overseer, aside from the qualities of a great magistrate, will therefore also possess the talents, the energy, the special knowledge of a good industrial entrepreneur. He will find in the feeling of duty alone what self-interest itself would be powerless to create—the courage to force the most inactive and vicious part of the population into sustained and productive effort. Would it be wise to delude ourselves? Pressured by the needs of the poor, the overseer will impose make-work, or even —as is almost always the case in England—pay wages without demanding labor. Laws must be made for men and not in terms of a perfect world which cannot be sustained by human nature, nor of models which it offers only very occasionally.

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Any measure which establishes legal charity on a permanent basis and gives it an administrative form thereby creates an idle and lazy class, living at the expense of the industrial and working class. This, at least, is its inevitable consequence, if not the immediate result. It reproduces all the vices of the monastic system, minus the high ideals of morality and religion which often went along with it. Such a law is a bad seed planted in the legal structure. Circumstances, as in America, can prevent the seed from developing rapidly, but they cannot destroy it, and if the present generation escapes its influence, it will devour the well-being of generations to come.

If you closely observe the condition of populations among whom such legislation has long been in force you will easily discover that the effects are not less unfortunate for morality than for public prosperity, and that it depraves men even more than it impoverishes them.

There is nothing which, generally speaking, elevates and sustains the human spirit more than the idea of rights. There is something great and virile in the idea of right which removes from any request its suppliant character, and places the one who claims it on the same level as the one who grants it. But the right of the poor to obtain society's help is unique in that instead of elevating the heart of the man who exercises it, it lowers him. In countries where legislation does not allow for such an opportunity, the poor man, while turning to individual charity, recognizes, it is true, his condition of inferiority in relation to the rest of his fellow men; but he recognizes it secretly and temporarily. From the moment that an indigent is inscribed on the poor list of his parish, he can certainly demand relief, but what is the achievement of this right if not a notarized manifestation of misery, of weakness, of misconduct on the part of its recipient? Ordinary rights are conferred on men by reason of some personal advantage acquired by them over their fellow men. This other kind is accorded by reason of a recognized inferiority. The first is a clear statement of superiority; the second publicizes inferiority and legalizes it. The more extensive and the more secure ordinary rights are, the more honor they confer; the more permanent and extended the right to relief is, the more it degrades.

The poor man who demands alms in the name of the law is, therefore, in a still more humiliating position than the indigent who asks pity of his fellow men in the name of He who regards all men from the same point of view and who subjects rich and poor to equal laws.

But this is still not all: individual alms-giving established valuable ties between the rich and the poor. The deed itself involves the giver in the fate of the one whose poverty he has undertaken to alleviate. The latter, supported by aid which he had no right to demand and which he may have had no hope of getting, feels inspired by gratitude. A moral tie is established between those two

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classes whose interests and passions so often conspire to separate them from each other, and although divided by circumstance they are willingly reconciled. This is not the case with legal charity. The latter allows the alms to persist, but removes its morality. The law strips the man of wealth of a part of his surplus without consulting him and he sees the poor man only as a greedy stranger invited by the legislator to share his wealth. The poor man, on the other hand, feels no gratitude for a benefit which no one can refuse him and which could not satisfy him in any case. Public alms guarantee life, but do not make it happier or more comfortable than individual alms-giving; legal charity does not thereby eliminate wealth or poverty in society. One class still views the world with fear and loathing while the other regards its misfortune with despair and envy. Far from uniting these two rival nations, who have existed since the beginning of the world and who are called the rich and the poor, into a single people, it breaks the only link which could be established between them. It ranges each one under a banner, tallies them, and, bringing them face to face, prepares them for combat.

I HAVE said that the inevitable result of public charity was to perpetuate idleness among the majority of the poor and to provide for their leisure at the expense of those who work.

If the idleness of the rich, an hereditary idleness, merited by work or by services, an idleness immersed in public consideration, supported by psychological complacency, inspired by intellectual pleasures, moralized by mental exercise—if this idleness, I say, has produced so many vices, what will come of a degraded idleness obtained by baseness, merited by misconduct, enjoyed in ignominy? It becomes tolerable only in proportion to the extent that the soul subjects itself to all this corrupting and degrading.

What can be expected from a man whose position cannot improve, since he has lost the respect of his fellow men which is the precondition of all progress, whose lot could not become worse, since, being reduced to the satisfaction of his most pressing needs, he is assured that they will always be satisfied? What course of action is left to the conscience or to human activity in a being so limited, who lives without hope and without fear? He looks at the future as an animal does. Absorbed in the present and the ignoble and transient pleasures it affords, his brutalized nature is unaware of the determinants of its destiny.

Read all the books on pauperism written in England, study the inquiries ordered by the British Parliament, look at the discussions which have taken place in the Lords and Commons on this difficult question. They boil down to a single deafening cry—the degraded condition into which the lower classes have fallen! The number of illegitimate children and criminals grows rapidly and continuously, the indigent population is limitless, the spirit of foresight and of saving becomes more and more alien to the poor. While

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throughout the rest of the nation education spreads, morals improve, tastes become more refined, manners more polished—the indigent remains motionless, or rather he goes backwards. He could be described as reverting to barbarism. Amidst the marvels of civilization, he seems to emulate savage man in his ideas and his inclinations.

Legal charity affects the pauper's freedom as much as his morality. This is easily proved. When local governments are rigorously obligated to aid the indigent, they necessarily owe relief only to the poor who reside in their jurisdiction. This is the only fair way of equalizing the public burden which results from the law, and of proportioning it to the means of those who must bear it. Since individual charity is almost unknown in a country of organized public charity, anyone whose misfortunes or vices have made him incapable of earning a living is condemned, under pain of death, to remain in the place of his birth. If he leaves, he moves through enemy country. The private interest within the parish, infinitely more active and powerful than the best organized national police could be, notes his arrival, dogs his every step, and, if he wants to establish a new residence, informs the public authority who takes him to the boundary line. Through their Poor Laws, the English have immobilized a sixth of their population. They have bound it to the earth like the medieval peasantry. Then, man was forced against his will to stay on the land where he was born. Legal charity keeps him from even wishing to move. That is the only difference between the systems. The English have gone further. They have reaped even more disastrous consequences from the principle of public welfare. The English parishes are so dominated by the fear that an indigent person might be placed on their rolls and acquire residency, that when a stranger whose clothes do not clearly indicate wealth temporarily settles among them, or when an unexpected misfortune suddenly strikes him, the municipal authorities immediately ask him to post bond against possible indigence, and if the stranger cannot furnish this security, he must leave.

Thus legal charity has not only taken freedom of movement from the English poor, but also from those who are threatened by poverty.

I KNOW of no better way to complete this sad picture than by reproducing the following fragment from my notes on England. I traveled through Great Britain in 1833. Others were struck by the imposing prosperity of the country. I myself pondered the secret unrest which was visibly at work among all its inhabitants. I thought that great misery must be hidden beneath that brilliant mask of prosperity which Europe admires. This idea led me to pay particular attention to pauperism, that hideous and enormous sore which is attached to a healthy and vigorous body.

I was staying at the house of a great proprietor in the south of

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England at the time when the justices of the peace assemble to pass judgment on the suits brought to court by the poor against the parish, or by the parishes against the poor. My host was a justice of the peace, and I regularly accompanied him to court. I find in my travel notes this portrait of the first sitting that I attended. It gives a short concise summary and clarifies everything said before. I am reproducing it with scrupulous exactness in order to render a true picture.

> The first individual who comes before the justices of the peace is an old man. His face is honest and ruddy, he wears a wig and is dressed in excellent black clothes. He seems like a man of property. However, he approaches the bar and passionately protests against the parish administration's injustice. This man is a pauper, and his share of public charity has just been unjustly diminished. The case is adjourned in order to hear the parish administrators.
>
> After this hale and petulant old man comes a pregnant young woman whose clothes bear witness to recent poverty and who bears the marks of suffering on her withered features. She explains that some time ago her husband set out on a sea voyage, that since then she has received neither assistance nor news from him. She claims public charity but the overseer of the poor hesitates to give it to her. This woman's father-in-law is a well-to-do merchant. He lives in the very city where the court is sitting, and it is hoped too, that in the absence of his son, he will certainly want to take responsibility for the maintenance of his daughter-in-law. The justices of the peace summon this man; but he refuses to fulfill the duties imposed on him by nature and not by law. The judges insist. They try to create remorse or compassion in this man's egoistic soul. Their efforts fail, and the parish is sentenced to pay the requested relief.
>
> After this poor abandoned woman come five or six big and vigorous men. They are in the bloom of youth, their bearing is resolute and almost insulting. They lodge a complaint against their village administrators who refuse to give them work, or, for lack of work, relief.
>
> The administrators reply that at the moment the parish is not carrying out any public work; and gratuitous relief is not required, they say, because the plaintiffs could easily find jobs with private individuals if they wanted to.
>
> Lord X [Radnor], with whom I had come, tells me, "you have just seen in microcosm part of the numerous abuses which the Poor Law produces. That old man who came first quite probably has the means to live, but he thinks that he has the right to demand that he be supported in comfort, and he does not blush to claim public charity, which has lost all of its afflicting and humiliating character in the people's eyes. That young woman, who seems honest and unfortunate, would certainly be helped by her father-in-law if the Poor Law did not exist; but interest silences the cry of shame within him and he unloads a debt on the public that he alone ought to discharge. As for those young people who appeared last, I know them, they live

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in my village. They are very dangerous citizens and indeed bad subjects. They quickly squander the money they earn in taverns because they know they will be given relief. As you see, they appeal to us at the first difficulty caused by their own shortcomings."

The sitting continues. A young woman comes before the bar, followed by the overseer of the poor of her parish. She approaches without showing the slightest sign of hesitation, her gaze not at all lowered by a sense of shame. The overseer accuses her of having had the baby she is carrying through unlawful intercourse.

She freely admits this. As she is indigent and if the father remained unknown the illegitimate child would become a public charge along with its mother, the overseer calls on her to name the father; the court puts her under oath. She names a neighborhood peasant. The latter, who is present among the audience, very obligingly admits the accuracy of the fact, and the justices of the peace sentence him to support the child. The father and the mother retire and the incident does not excite the least emotion in an audience accustomed to such scenes.

After this young woman comes another. She comes willingly. She approaches the judges with the same shameless indifference shown by the first. She declares herself pregnant and names the father of the unborn child. This man is absent. The court adjourns the case in order to have him summoned.

Lord X tells me: "Here again are the harmful effects produced by the same laws. The most direct consequence of the Poor Laws is to make the public responsible for the support of the deserted children who are the neediest of all indigents. Out of this comes the parish's desire to free themselves of the duty to support illegitimate children whose parents would be in a position to nurture them. Out of this also comes the paternity suits instigated by the parishes, proof of which is left to the woman. For what other kind of proof can one delude oneself into expecting in such a case? By obliging the parishes to become responsible for illegitimate children and permitting the paternity suits in order to ease this crushing weight, we have facilitated the misconduct of lower-class women as much as we could. Illegitimate pregnancy must almost always improve their material condition. If the father of the child is rich, they can unload the responsibility of raising the fruit of their common blunder on him; if he is poor, they entrust this responsibility to society. The relief granted to them in either way exceeds the expenses caused by the infant. So they thrive from their very vices, and it often happens that a woman who has become a mother several times over concludes a more advantageous marriage than the young virgin who has only her virtues to offer. They have a dowry of infamy."

I repeat that I wanted to change nothing from this passage in my diary. I have reproduced it exactly, because it seemed to me that it rendered the impressions that I would have the reader share with truth and simplicity.

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Since the time of my English journey the Poor Law has been modified. Many Englishmen flatter themselves that these changes will exercise great influence on the indigents' future, on their morality, and on their number. I would like to be able to share these hopes, but I cannot do so. In the new law the present-day English have again reaffirmed the principle introduced two hundred years ago by Elizabeth. Like that ruler, they have imposed on society the obligation of feeding the poor. That is quite enough. All the abuses that I have tried to describe are contained in it, just as the biggest oak is contained in the acorn that a child can hide in its hand. It needs only time to develop and grow. To want to create a law which regularly, permanently, and uniformly relieves indigency without also increasing the indigent population, without increasing their laziness along with their needs, and their idleness with their vices, is to plant an acorn and to be stunned when a stem appears, followed by leaves, flowers, and fruits, which in turn will one day produce a whole forest from the bowels of the earth.

I am certainly far from wanting to put the most natural, the most beautiful, and the most holy of virtues on trial. But I think that there is no principle, however good, whose every consequence can be regarded as good. I think that beneficence must be a manly and reasoned virtue, not a weak and unreflecting inclination. It is necessary to do what is most useful to the receiver, not what pleases the giver, to do what best serves the welfare of the majority, not what rescues the few. I can conceive of beneficence only in this way. Any other way it is still a sublime instinct, but it no longer seems to me worthy of the name of virtue.

I recognize that individual charity almost always produces useful results. It devotes itself to the greatest miseries, it seeks out misfortune without publicity, and it silently and spontaneously repairs the damage. It can be observed wherever there are unfortunates to be helped. It grows with suffering. And yet, it cannot be unthinkingly relied on, because a thousand accidents can delay or halt its operation. One cannot be sure of finding it, and it is not aroused by every cry of pain.

I admit that by regulating relief, charitable persons in association could infuse individual philanthropy with more activity and power. I recognize not only the utility but the necessity of public charity applied to inevitable evils such as the helplessness of infancy, the decrepitude of old age, sickness, insanity. I even admit its temporary usefulness in times of public calamities which God sometimes allows to slip from his hand, proclaiming his anger to the nations. State alms are then as spontaneous as unforeseen, as temporary as the evil itself.

I even understand that public charity which opens free schools for the children of the poor and gives intelligence the means of acquiring the basic physical necessities through labor.

But I am deeply convinced that any permanent, regular, administrative system whose aim will be to provide for the needs of the

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poor, will breed more miseries than it can cure, will deprave the population that it wants to help and comfort, will in time reduce the rich to being no more than the tenant-farmers of the poor, will dry up the sources of savings, will stop the accumulation of capital, will retard the development of trade, will benumb human industry and activity, and will culminate by bringing about a violent revolution in the state, when the number of those who receive alms will have become as large as those who give it, and the indigent, no longer being able to take from the impoverished rich the means of providing for his needs, will find it easier to plunder them of all their property at one stroke than to ask for their help.

Let us summarize in a few words. The progressive movement of modern civilization will gradually and in a roughly increasing proportion raise the number of those who are forced to turn to charity. What remedy can be applied to such evils? Legal alms comes to mind first—legal alms in all forms—sometimes unconditional, sometimes hidden in the disguise of a wage. Sometimes it is accidental and temporary, at other times regular and permanent. But intensive investigation quickly demonstrates that this remedy, which seems both so natural and so effective is a very dangerous expedient. It affords only a false and momentary stop to individual suffering, and however used it inflames society's sores. We are left with individual charity. It can produce only useful results. Its very weakness is a guarantee against dangerous consequences. It alleviates many miseries and breeds none. But individual charity seems quite weak when faced with the progressive development of the industrial classes and all the evils which civilization joins to the inestimable goods it produces. It was sufficient for the Middle Ages, when religious enthusiasm gave it enormous energy, and when its task was less difficult; could it be sufficient today when the burden is heavy and when its forces are so weakened? Individual charity is a powerful agency that must not be despised, but it would be imprudent to rely on it. It is but a single means and cannot be the only one. Then what is to be done? In what direction can we look? How can we mitigate what we can foresee, but not cure?

Up to this point I have examined the financial approach to poverty. But is this the only approach? After having considered alleviating evils, wouldn't it be useful to try to forestall them? Is there a way to prevent the rapid displacement of population, so that men do not leave the land and move into industry before the latter can easily respond to their needs? Can the total national wealth continue to increase without a part of those who produce this wealth having to curse the prosperity that they produce? Is it impossible to establish a more constant and exact relation between the production and consumption of manufactured goods? Can the working classes be helped to accumulate savings which would allow them to await a reversal of fortune in times of industrial calamity, without dying?

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At this point my horizon widens on all sides. My subject grows. I see a path opening up, which I cannot follow at this moment. The present *Memoir*, too short for my subject, already exceeds the limits that I had thought it necessary to set for myself. The measures by which pauperism may be combatted preventively will be the object of a second work which I hope respectfully to submit next year to the Academic Society of Cherbourg.[2]

[2] The promised sequel to the *Memoir* never appeared and was apparently never written. It seems to have suffered the same fate as the continuation of his essay on the "Political and Social Condition of France," written for the *London and Westminster Review* in 1836. Both projects were pushed aside in deference to the task of writing the second part of *Democracy in America*, which took years longer than originally anticipated.

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The forms and formalities of liberty

HARVEY C. MANSFIELD, JR.

Men living in democratic centuries do not readily understand the utility of forms; they feel an instinctive contempt for them.... Forms arouse their disdain and often their hatred. As they usually aspire to none but facile and immediate enjoyments, they rush impetuously toward the object of each of their desires, and the least delays exasperate them. This temperament, which they transport into political life, disposes them against the forms which daily hold them up or prevent them in one or another of their designs.

Yet it is this inconvenience, which men of democracies find in forms, that makes them so useful to liberty, their principal merit being to serve as a barrier between the strong and the weak, the government and the governed. Thus democratic peoples naturally have more need of forms than other peoples, and naturally respect them less.

—Tocqueville, *Democracy in America*

THIS statement is long for an epigraph but dense enough to require explanation, and deep enough to reward reflection. Speaking of "forms," Tocqueville directs our attention to institutions or practices in which the manner of action is more important than the end achieved. Why, we may ask, are democratic peoples in need of forms? And how do they undermine the forms that they need?

To understand what these forms are, we may think, first, of man-

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ners in "society"—society not in any comprehensive sociological sense, but as the place where we are on our best behavior, the parlor or drawing-room of human life. "Society," in this sense, imposes certain forms of correct behavior on us which are neither moral duties (though manners are obviously somehow related to morals) nor simply cost-efficient methods of attaining our ends. Indeed, these forms seem designed to *avoid* raising moral questions directly and to *prevent* us from using the most efficient instrument to gain our desires; they are barriers, as Tocqueville says, between ourselves and the objects of our desires, and also between one person and another.

That we now say "living-room," rather than "parlor" or "drawing-room," illustrates the drive toward informality which Tocqueville says is in the nature of democracy; yet, as Tocqueville also indicates, democracy is not always well served by informality. Tocqueville's point was made recently by Miss Manners, a writer on etiquette for the *Washington Post*. Miss Manners inveighs against waiters and waitresses who have taken up the practice of introducing themselves to customers by their first names, as if to put business relationships on the level of friendships. Such a practice, she says, not only perverts friendship by using it for business, suffusing the latter with false warmth, it also hurts business by robbing the working person of his dignity. "If you and I are friends," Miss Manners asks, "how come I have to wait on you? But if I can be on equal terms with friends of my own choosing, it doesn't matter if I perform a service for wages."

The formal establishment of equality

With this excellent observation we have received a lesson in democratic capitalism more valuable than much academic discussion that is more directly political or economic. We learn, first, the obvious truth that even a democratic society is not a society of friends, nor even a fraternity, because it must necessarily comprise unequal relationships. How, then, are these inequalities to be made consistent with democratic equality? The answer is that the formalities imposed on unequal relationships can preserve equality by upholding the dignity of inferiors and by restraining the pride of superiors. The fact that a customer can order a waiter to do his bidding is disguised and softened by the manner in which he does it. Precisely because the waiter is *not* his friend, the customer is limited in what he can command from him.

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Forms or formalities equalize human relationships, and preserve necessary inequalities, by preventing them from being relationships of mere, unrestrained power. Freedom is maintained for inferiors: They choose friends outside their jobs, with whom to live on an equal basis, and they can choose which job to hold. Without such formal demarcations surrounding each job, either jobs would not get done—because that would be inconsistent with democratic fraternity—or jobs would be done perforce with no respect for democratic equality and liberty. In both cases, formality is overcome by informality. "If you and I are freinds, how come I have to wait on you?" In our democratic age, overflowing informality is a source of tyranny and rebellion.

When we hear of "inequality," we assume that the superiority of a few is meant, and we frown. Living under democracy, we forget that democracy is a form of rule, with superiors and inferiors, in which the many are superior to the few. The example of many customers and few waiters reminds us that democracy has its menials as well as its elites. If democracy is to make use of both, while remaining true to its principle, it must find the method for raising up menials and holding down elites, while at the same time restraining the truly superior class in a democracy, the majority of the people. The adoption of forms is such a method that not only retains inequalities necessary to any society larger than a friendship, but also, on the contrary, equalizes those inequalities by confining them to formal relationships. Formal relationships keep society in a safe and free middle ground between friendship and sheer power.

The formal aspect of an action is that which can be separated from its end; and this separation is possible because the end can be achieved in more than one way. Where one means is absolutely necessary to attain the end, no formality exists; but when a choice of means is required, the one chosen (or developed unconsciously) as "correct" is formal. "Correct" *reasoning* is following the single most direct way to the conclusion, but "correct" *behavior* is following the prescribed mode in the face of many possibilities. This prescribed mode or manner has a certain look or shape that distinguishes it from other modes, and makes it recognizable as a "formality." Unlike correct reasoning, which follows its own logic and, so to speak, does not know where it is going until it gets there, correct behavior is instantly recognizable as such on its face, before the end is attained—we can appreciate polite eating, for example, without knowing or caring whether it leads to efficient

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digestion. Hence formalities depend on forms, the *looks* of things and actions as separable from their end or result.

Could we then recognize democratic equality in the forms or formalities of democracy without having to wait to judge the equality of result? This question, which underlies the controversy over affirmative action, suggests a connection between the formalities of manners in a democratic society and other, political and economic, forms. The latter are taken to be more formal than manners since they are prescribed by law as opposed to custom. Law is more formal than custom because the procedure by which laws are made and changed is publicly visible. To have such a procedure is to have a constitution in some sense, and one can often judge the character of a constitution more from looking at the way laws are changed than from looking at the laws that remain unchanged (just as one learns most about the state of one's property by trying to change it).

Sources of political informality

Such formalities are always open to challenge from democratic peoples. It is in the nature of democracy to look for results and to regard any deliberate delay in reaching them as undemocratic. To have the object of one's desire is of course a natural human inclination; but men can be finicky and fussy as well as lazy and direct, and it is a difficult question whether human nature is more democratic than aristocratic.

In our day, however, as Tocqueville might have granted, informality comes from a second source as well. The innocent waiter or waitress who wants to be friendly reveals not only the nature of democracy in general, but also reflects in small the political "populism" of the 1970s. Actually, this populism began in the 1960s, when the movement was angrier, rougher, and narrower—when it promoted "participatory democracy" and called itself the New Left. Its progress has come by dilution and through respectability, as students who once dressed down to the uniform of the working class now sport designer jeans. Respectability came easily, despite the electoral failures of the New Left and the oblivion of its early leaders, for unlike previous populisms in American history, this variety began and still thrives among the educated.

Besides making our manners more informal, it has attacked our political institutions for serving as barriers between the people's will and its object—that is, for being too formal. President

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Carter, a prime beneficiary and exponent of this new populism, stated the populist principle in his demand that we make government as good as the people. Thus the power of government is to be exercised against, not through, its formal institutions, and whatever agency is available will be used to effect the people's will (as discerned or presumed by the populists), regardless of the formal character of the agency. Judicial activism was one obvious result; though "elitist" in a superficial sense, it is in a deeper sense quite populist. There also was the populist complaint against bureaucracy—not that it was too precise or overbearing, but that it "stood in the way." [1]

A third target of the educated populists has been private property. Although they have asserted the right to "live as you please," not so much for the pleasure of it as because each must do his own thing (thereby asserting a general right of privacy, again not so much to have fun in the dark as to defy decorum in public), they have also mounted an attack on private property. That their claims to privacy do not also support claims to private property makes sense only if one sees private property as the chief formality, after the constitution, of liberal society.

Property is a legal convention (based on a natural right, some would say) that establishes certain formalities of acquisition, maintenance, and transfer. When these are satisfied, in this view, the property is yours to use as you please; thus, the form of property is prescribed, the end is left open. Property, defined by John Locke as that which cannot be taken from you without your consent, thereby constitutes a barrier between people. Property epitomizes the nature of law in liberal society; if you stay within certain bounds, you can do as you like. One thing you may do is to set up a corporation, a legal or formal person that creates a distance between your moral and legal duties, and also between yourself and others (since your duties to them are reduced to legal correctness.)

For the populists, such freedom is purely formal, that is, meaningless in itself. For them, its meaning depends on actually having property to use. Since the *meaning* of the right to private property is defined in terms of its actual effect, the *existence* of the

[1] Because of the political defeat suffered by this populism in 1980, one is tempted to speak of it in the past tense; but this would be too hasty. Some of the victors of 1980, particularly the New Right, have picked up and perfected the techniques of populism, and the *techniques* of populism, not its left or right coloration, are its essence.

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right is also judged by its effect. Moreover, one does not have a right unless it can be exercised; and rights are not equal unless they are exercised equally. So government can and should intervene to ensure rights, not as equal opportunities, but rather as equal in exercise. While it may not be necessary to abolish private property, in the populists' view, its use by private individuals and corporations must be examined from the standpoint of the public interest. This raises the question of whether *any* formal statement of private property is legitimate. In truth, the populists not only put human rights over property rights, they hardly speak of property rights. To hold property is, in their view, more a liability than an opportunity: You make yourself a natural target of litigation.

The distinction between formal right and its informal exercise has been most obviously dissolved in programs of affirmative action, where the change from "equality of opportunity" to "equality of result" was explicit and deliberate. More important yet is reinterpretation of voting rights in recent cases, and in the renewal of the Voting Rights Act in 1982, which seem to establish a governmental guarantee of minority representation. In this trend of intervention, the government no longer confines itself to guaranteeing the right to vote, but now looks to see how that right is exercised, in case voting by one method or another should deprive a minority of its "fair" share of representation—as calculated *without* reference to elections. The most fundamental right in liberal society, the right to consent to government, has become open to inspection by the very government that claims consent, in order to insure that the right to vote is the right to an effective vote. This challenge to elected governments is derived from earlier reapportionment cases concerning the "one person, one vote" principle, by which the test of legitimacy was whether each individual's vote had the same power as everyone else's. The right to vote, in this populist view, is the right to a vote that is equal in effect. One wonders: What of the right of free speech, then? Is it merely the right to whistle in the wind, or is it not the right to be listened to, equally with others, hence the "right of reply" and to be replied to? And is the right to life—in the sense of "life, liberty, and the pursuit of happiness"—not then an equal right to an effective, fulfilling life?

Writing up the self

The equality of exercise of rights, or to speak more plainly, the equality of power, comes from the idea of self-expression devel-

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oped by the New Left out of a strange, selective combination of Marx and Nietzsche—a combination that would be remarkable enough in the natural history of hybrids, were it not also destined for a prominent place in American political history. To constitute the idea of self-expression, Marx's critique of "bourgeois formalism" was first invoked. In that critique, which is most evident in his early work, *On the Jewish Question*, the "rights of man" proclaimed by the liberal philosophers are shown to be, in effect, merely the rights of bourgeois man. Then, rejecting Marx's economic determinism, the New Left turned to Nietzsche's account of how the self produced itself in history by stages of "consciousness" in which the self had motive power of its own. But then, rejecting Nietzsche's call for sacrifice and aristocracy so that the self can rescue itself from nihilism, the New Left turned back to Marx's early notion of "species being," which promised effortless fulfillment for all selves.

Essential to the idea of self-expression, and common to both Marx and Nietzsche, is the belief that the self is totally produced, not at all fixed. Men do not have the defined self that is required for the liberal right of self-preservation: By nature we lack any "sense of identity," and so we must seek it out in our experience of life (or in magazines). Lacking definition, the self must assert itself (for assertion is the effectual truth of "expression"), and in its self-assertion it has no reason to respect the self-assertion of others. Others would deserve respect if they had rights, but rights attach only to selves that can be defined. If the self has no fixity, no definition even in its potentiality, then the self can be only what it becomes by its act of assertion. Its "right" is as much or as little as it can exercise; the distinction between a right and its exercise is overridden.

From the lack of a fixed "self," in the liberal sense of "self-preservation" or "self-government," it follows that liberal "equality of opportunity" is meaningless. An authentic equality of opportunity assumes the possibility of a fresh start, regardless of one's past history. If the artificial restraints of social convention are removed, it is supposed, a person's natural talents will be permitted to flourish, and each will progress as far as his nature and effort allow. But if there is no fixed self, then one has no nature, no "God-given talent," to resort to; and the self must be what it has been and what it might become. In effect, the self must be what it has been, if one's will is weak, or the self will be what it can become if one's will is strong. The strength of one's expression or asser-

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tion begins to replace the language of rights (e.g., Black *Power* as opposed to Civil *Rights*) since the distinction between right and exercise has been overcome.

That such self-assertion necessarily reveals and promotes the difference between the strong and the weak has not, however, been an embarrassment to the democratic feeling of the new populism. The weak can join their wills together to become strong, forgetting liberal individuality; and when united, they can use the power of government to equalize wills, or to ensure that the exercise of liberal rights does not result in inequality. Besides, it is advantageous for these educated populists to be able to stress the weakness of human will when they want to blame the past, and the strength of human will when they want to incite change.

Constitutionalism: ancient and modern

The populism I have described as *aggressive informality* is fundamentally opposed to constitutionalism, which promotes respect for forms above all. Governing in a constitutional manner is governing regularly, that is, formally. Locke wrote that the "form of government" (which we may take for the constitution) depends on where the legislative power is placed; and the legislative power must be supreme so that government can be by "settled, standing laws" and "stated rules." Such government is opposed to the rule by the arbitrary will of one, few, or many. This dissatisfies our populist informality today because it elevates the form of government over the end. Locke, to be sure, announces the end of the legislative power in the same place that he insists on its formal character: The laws must aim at the "public good," which is the "preservation" of the society. But this end is also described as the "preservation of property," and property, as we have seen, is a formality.

As we have been traditionally taught to understand constitutional government, it is government by due process, by forms and even by technicalities, in which the form or manner of an action is raised above its end; the means are *more* important than the end. For example, respecting the rights of a criminal is more important than convicting him. (Those conservatives who might contest the current application of this principle would not want, we may assume, to set up lynch law, in which the end is raised above the means so that the end justifies any efficient means.) In their emphasis on forms and formalities, both ancient and modern con-

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stitutionalism are in agreement. Yet between these two kinds of constitutionalism—those of Aristotle and Locke—there is a critical difference with regard to form and end. For Locke's modification of Aristotle's constitutionalism set the terms of the problem of constitutional formalism, and opened the way for the challenge to constitutionalism today.

In Aristotle's constitutionalism, the form is united with the end because it reveals the end. Respecting the forms of a constitution is, by definition, respecting its character. The reality of a constitution, therefore, is not opposed to its form, as if its form were a "mere formality"; on the contrary, the reality of a city, Aristotle said, is especially its constitution or regime. Our liberal democracy is a certain form, but also has a certain end; and in Aristotle's view, its end is identical with itself as a form. Its end as a liberal democracy is to live by the forms of liberal democracy, and if it did not live by those forms it would not be behaving as a liberal democracy, and so could not achieve its end.

The difficulty with Aristotle's conception is evident: He provides no clear standard by which to judge among constitutions. What is the true end of a constitution, and which is its correct form? Aristotle seems to run the risk of relativism. Since each constitution has its own end in its own form, each appears to have its own reality. Aristotle is surely aware of this difficulty. In the third book of the *Politics* he turns to a discussion of the good man, who is not relative to his constitution, and of the good citizen, who is. But Aristotle himself does not claim to solve this difficulty, and the tendency of his discussion toward the absolute monarchy of the good man was unsatisfactory to Locke and to modern constitutionalism generally.

According to Locke, men have an equal right of self-preservation in a state of nature prior to civil society. Thus an original, perfect democracy of equal men existed (or must be supposed) in the state of nature; this is the "natural" form of a constitution which may proceed to establish itself, or any other form, in civil society. Civil constitutions exist to serve and protect the form and end that men had in the state of nature, the rights of *man*, not (as in Aristotle) of citizens. If there are only rights of citizens—and the trend in American constitutional law has been to expand rights of citizens to all persons—that is because the rights of man are best protected in independent communities that are obliged to prefer, as they enlist, their own citizens. It is not that the rights of man have ceased to become relevant as the standards of constitutions;

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man-made constitutions are conceived to secure natural rights. The man-made form is for the protection of the "natural" form and end.

Can "forms" and "ends" coexist?

Modern constitutionalism, therefore, has a great advantage over Aristotle's constitutionalism. Unlike Aristotle's, where the rights of citizens are only defined by the constitution, it has a clear standard by which to judge regimes: Do they respect the rights of *man*? Despite all the difficulties of applying this standard—for example, in recent American foreign policy—no one has found, or even sought, a clearer one. Or do those difficulties reveal that the standard is not so clear as it seems? For we do not know whether to uphold the sanctity of constitutionalism or secure the protection of life, to focus on the form or the end, and in a pinch we sacrifice the form to the end; we find that nonconstitutional regimes must be tolerated because they better serve our end or even the end of their own peoples.

The trouble with modern constitutionalism is that civil liberties and man-made constitutional forms are made subordinate to the natural end of life, liberty, and the pursuit of happiness. They are *means* to that end, not united with it; the form is not united with the end, as in Aristotle's constitutionalism. Hence we are willing to jettison our liberal constitutional forms if they do not achieve their end. Indeed, all respect for rights remains exposed to a similar judgment, whether this judgment is exercised constitutionally by an executive when there is no time for due process in an emergency, or legitimately by a people fed up with tyranny, or illegitimately by citizens who, as Tocqueville said, "rush impetuously toward the object of each of their desires." Although we know that respect for rights requires us to put the form (i.e., due process) ahead of the end, the liberal argument always tempts us to treat the form as a means to the end. So the status of constitutional forms is in doubt under modern constitutionalism. Precisely because the standard for judging forms is so clear, the standard tends to undermine them. Despite its nonliberal sources, the populist perversion of liberal constitutionalism is the realization of an inherent liability within liberal constitutionalism.

No better illustration of this problem can be found than in the idea of property. According to Locke, the end of government is the protection of property. By "property" he usually meant external goods in the ordinary sense, but he also used the term in

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an enlarged sense that includes "Life, Liberty and Estate." What justifies this enlarged sense? Property in its ordinary sense supplies the needs of life, but in its enlarged sense it protects both liberty and life. If your property is secure, your liberty is secure; and if your liberty is secure, your life is secure. It is not that property in the narrow sense is more valuable than liberty and life. Rather, property is a convention or form enlarged out of its matter so that it becomes an end in itself. We know then that if anyone's property is insecure, everyone's is insecure. Property as a whole includes all members of society as well as all the objects of their desires. It includes them formally or conventionally, not only because property is defined by laws in civil society, but also because property is considered a formality without regard to whether it is equally held. However rich or poor one may be, all profit from having a right to property; and in a sense, because liberty and life are good without regard to how they are used, all profit equally. The equality of the property right is shown in the connection between property and consent. Since property is that which cannot be taken from you without your consent (that is, the consent of a majority), the right to property becomes the visible, formal protection of the right to consent. This is the connection, so often hastily dismissed today, between property rights and human rights.

Of course, it is not wrong to question whether property rights do in fact protect human rights. Suppose property rights are exercised so unequally that the many live in misery at the mercy of a few: what then? To meet this objection, Locke does not leave his argument at the formal enlargement of property; he also promises material increase. Unequal property for some will bring more property for all. In his famous phrase, a savage king in America "feeds, lodges and is clad worse than a day laborer in England." Through material increase of property, everyone profits, though some profit more. Here Locke introduces a reference to the end, to a standard of performance: Are you better off? Even if the answer is yes (for now), this is still not the same as asking whether your rights are being respected. At the least, the first question ensures that liberal societies will be infested with economists as well as lawyers. At worst, we may believe it compels us to sacrifice our rights in a futile attempt to force their equal exercise.

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CURRENT READING

Graffiti, Inc.

Graffiti is fast becoming mainstream. The "vandalism esthetic," as one of its practitioners calls it, is lately being displayed in major New York galleries and commissioned by the City Council on the Arts. Graffiti is seen in advertising, it is reproduced on posters, and it is promoted on t-shirts and buttons.

In a recent article in *Art in America* (October, 1982), author Suzi Gablik explains that graffiti art needs "criminality" to maintain "its ethical quality, its note of authenticity." And as Norman Mailer says, graffiti is "the personal expression of an oppressed and disenfranchised people." This raises an interesting problem, expressed thus by graffiti artist Tim Rollins:

> The problem is, of course, that now it's turning into a style, and the artists are becoming compromised by the lure of success. At the core, all that's fishy: we all worry about art being something to entertain rich people with. And so much graffiti is terrible; there are only a few who do wild and authentic work. The vitality of graffiti is in its indigenous situation. It is difficult to accept it on white gallery walls. Then it becomes part of the commodity market. The social context is what gives it its meaning, and this is being ripped from it.

Another recent article on a similar theme—this one by Cynthia Nadelman in *ARTnews*, quotes subway artist Keith Haring:

> "It's the ultimate irony," says artist Keith Haring, explaining that he is under consideration by a city art selection panel to propose a scheme for a subway station floor at the Broadway and 137th Street stop in Manhattan. "I used to be handcuffed for doing it free of charge."

These two articles reveal that the "lure of success" is having at least two peculiar effects on the graffiti world. The first is that artists from middle class backgrounds are finding graffiti a way to break into the otherwise unimpregnable art world. For example, Nadelman traces the career of street graffitist Richard Hambleton in this way:

> The sketchy black figures that have been "standing around" in door-

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ways, vacant lots, construction areas and loading docks recently are adding extra tension to New York's already edgy street life; at night, the most benign-looking ones can give people a start. Even their creator, artist Richard Hambleton, "once got scared by one." . . . [Hambleton explains that] "The city is in the work, it's a part of it. I don't feel that my work is plastered or painted over the city."

Hambleton is from San Francisco and went to art school on the West Coast from 1970 to 1975 (art history was his favorite subject and Jackson Pollock and Robert Motherwell two of his favorite artists). He is having his first one-man exhibition at the Alexander Milliken gallery. . . .

She describes a similar background for Keith Haring, who also has formal art training:

Keith Haring has come to prominence through drawing on the street, or, more accurately, in subway stations. "The empty black panels that I use just clicked," he says. Haring, who comes from Kutztown in the heart of Pennsylvania-Dutch country, with its hex signs on barns, was soon putting these images together in various ways to suggest language systems or hieroglyphics that could cut across age and language differences. Then his drawings turned into stories and scenes.

The 24-year-old Haring still draws in subways, but he also works prolifically in his studio. He has been exhibited in a number of prominent New York galleries, including Brooke Alexander, Annina Nosei, Blum Helman, Hal Bromm, Barbara Gladstone and Bonlow; as well as at the New Museum, P.S. 1 and last summer's Documenta 7 in Kassel, Germany. His first large-scale one-man exhibition is taking place this month at the Tony Shafrazi gallery in New York, accompanied by an exhaustive catalogue. Haring came to New York in 1978, enrolling in the School of Visual Arts, after two years spent in Pittsburgh.

Whereas some artists express misgivings about their new financial success, other graffitists are confident that the quality of their work can withstand their new wealth. Indeed, some are actually persuaded that the money has improved it. As Gablik quotes him, Haring, although worried, is very hopeful:

I've always thought I didn't want to be paid a lot for what I do, just enough to keep things going—but there's no way to do that. If you sell your work cheaply, you just get used by the system; somebody else buys it and sells it for more, so you have to take it from them. I don't know of a way to control prices. Money's like a drug, I see it in every walk of life so far; I've not found any way to make a dent in, or alter that. In some sense, I'm already addicted. . . . I don't feel that different, but I'm forced to *be* different. It's made me conscious of being an exemplary person, of how to behave as a model for others.

Jean-Michel Basquiat also argues that the effect has been good:

I had more artist friends before I began to make money; now only

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other artists who make money want to see me. I feel much happier now—my whole life is focused. Before there was all this energy, and nowhere to put it.

Futura 2000, who was *not* brought up middle class, sees graffiti as a path to upward mobility:

Recently we had some legitimate stuff to do in a private club in Hong Kong. It was a huge mural. Three of us went out—Zephyr, Dondi and myself. We stayed in the second best hotel in Hong Kong. We did five days of painting. They gave us a car and chauffeur, champagne twice a day—it was the best treatment I ever had in my whole life. I estimated they must have spent ten grand on the three of us, but then when I figured it more closely, with the airfares it was more like twenty. We spent hardly anything on materials. We were there for 12 days—what a job that was, first class.

Graffiti has been so successful in improving the condition of its creators that businesses have begun to use it. Ketchum Public Relations, a firm that recently moved to New York City, now runs a magazine advertisement featuring a photograph of its name written, graffiti-style, on a brick wall. Once graffiti hits advertising its future is clear: Graffiti isn't just for subways anymore.

Television and "Real" People

Professors Lynda M. Glennon and Richard Butsch have contributed a paper, "The Family as Portrayed on Television 1946-1978," to the National Institute of Mental Health's recent study, *Television and Behavior*. The professors surveyed "the 218 families that have been portrayed over the 32-year history of television," where a family series is defined as one "in which the main characters in each episode are members of a family and in which the major proportion of interaction is among family members, usually in a home setting." One may ask, why bother making such a survey? Because, according to the paper, "If television is as powerful an influence as it is held to be, then we might assume the fantasy families who enter our collective awareness on a regular, recurring basis act upon 'real-life' families."

What makes the Glennon and Butsch paper particularly worth noting is not just what it reveals about the kind of family "images" presented on television, but what sort of families the researchers find "real," "idealized," "positive," and "viable."

Our data indicate an even greater overrepresentation of the middle class and underrepresentation of the working class than the composite data of previous studies. Almost half of all family series had professional heads of house: 43 percent of all heads and 48 percent of male heads of house. Almost one in four are managers or proprietors: 23 percent of all heads and 28 percent of male heads of house. These two occupational groups constitute two-thirds of all heads of house-

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hold and three-fourths of male heads; yet they represented less than one-fourth of the actual U.S. labor force in 1970 and less than one-sixth in 1950. The middle-class occupations of professional, managers, sales, and detectives and sheriffs constitute 72 percent of the television heads of household, compared to less than 27 percent of the actual U.S. labor force in 1970.

By contrast blue-collar workers appear as heads of household in only 4 percent of the series, yet have constituted 41 percent (1950) to 36 percent (1970) of the actual labor force. The working-class occupations of blue-collar, retail sales clerk, clerical, uniformed policeman, and other service workers, represent 19 percent of the series but two-thirds of the actual labor force.

The overrepresentation of middle class and near absence of the working class is one aspect of the bias toward the portrayal of higher prestige, glamorous, and successful characters on television. Even within the occupational groupings, we find a consistent overrepresentation of the higher prestige occupations in disproportion to their frequency in the labor force. The most frequently appearing professional occupations in the family series are lawyers and judges, journalists and writers, and entertainers. Salaried managers include a U.S. Senator, a U.S. Congressman, and a governor; three advertising agency executives; an investment firm executive; a corporate division head; and a general. . . .

The two themes we found throughout working-class family series undermine the likelihood of creating an image of the working class as a viable alternative culture in modern society. It is easy to see the implications of the theme of the bumbling, loudmouthed male. The impact of the theme of upward mobility is more subtle but no less potentially damaging. It would seem that such shows as *The Waltons*, *Mama*, or *Good Times* offer pictures of working-class family life that can serve as positive models for working-class children, giving them mirror reflections of families, like theirs in some respects, that instill pride and self-respect. But this is problematical because each of these shows entails a one-generation working classness: All of the children are headed for upper middle-class occupations. Actually the positive image derives not so much from the working-class identity per se but from the fact that the principals are leaving it behind. The emphasis on upward mobility of the children suggests that the good life is one in which children move far ahead of their parents in the occupational hierarchy. Further, the theme of dramatic social mobility woven into these more "serious" working-class family dramas implies that, if there is something good about moving up, there must be something wrong with not doing so.

Whenever the theme of upward mobility is observed in the working-class shows, there is no indication that movement upward presents any problems for individuals who are "rising." Everyone applauds their success, but nowhere in these shows is it acknowledged that social mobility involves a shift in consciousness, that one's life-style, identity, and worldview get shaken up in the bargain. Nor is it recognized that,

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in such a situation, one becomes "marginal" to both subcultures and that the resulting sociological ambivalence is anything but unproblematic for self and for family. Except in *All in the Family*, where Mike and Gloria reject their parents' tastes, there is no attention paid to the "group self-hatred" that is a typical consequence of leaving behind the denigrated subculture of one's origins. And there is no acknowledgment of the other typical consequence of marginality: the inability to feel "at home" in the subculture of the middle class.

But what of the idealized picture of family life in middle-class family series, whether we consider the fifties and sixties version of superparents who always knew what to do in each weekly quasi-morality play or those in the seventies who dealt in the most therapeutically correct fashion with their children's problems. These idealized pictures may raise expectations about parent-child relations that are not realizable and can lead one to question one's own family adequacy.

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